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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

18° VICTORIÆ, 1855.

VOL. CXXXVII.

COMPRISING THE PERIOD FROM

THE SECOND DAY OF MARCH, 1855,

TO

THE SECOND DAY OF MAY, 1855.

Second Volume of the Session.

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New Radnor—Right Hon. Sir George Cornewall Lewis, Bt., Re-elected.

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Lewes—Hon. Henry Bouverie William Brand, Re-elected.
Gloucester—William Philip Price, Esq.

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London—Right Hon. Lord John Russell, Re-elected.

Tuesday, May 1.
Cork County—Richard Deasy, Esq., *v.* Edmund Burke Roche, Esq., Chiltern Hundreds.

HANSARD'S
PARLIAMENTARY DEBATES,

IN THE
THIRD SESSION OF THE *SIXTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*
APPOINTED TO MEET 20 AUGUST, 1852, AND FROM THENCE
CONTINUED TILL 12 DECEMBER, 1854, IN THE EIGHTEENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SECOND VOLUME OF THE SESSION.

HOUSE OF LORDS,

Friday, March 2, 1855.

MINUTES.] PUBLIC BILLS.—3ª Lunacy Regulation Act, 1853, Amendment; Consolidated Fund (£3,300,000); Consolidated Fund (£20,000,000); Common Law Procedure Act Amendment (Ireland).

DEATH OF THE EMPEROR OF RUSSIA.

THE **EARL OF CLARENDON**: My Lords, I feel it to be my duty to communicate to your Lordships the contents of a telegraphic despatch which I received about half an hour ago from Her Majesty's Minister at the Hague. They are as follow —"The Emperor Nicholas died this morning at one A.M., of pulmonic apoplexy, after an attack of influenza." I have also received a despatch from Her Majesty's Minister at Berlin, stating that "the Emperor of Russia died between twelve and one o'clock this morning." This afternoon, about an hour before the receipt of the despatches which I have just read to your Lordships, I received an account from Berlin, from my noble Friend Lord John Russell, stating that the Emperor of Russia was on the point of death, and had already taken leave of his family. I apprehend, therefore, my Lords, that although this event occurred so short a time ago as between twelve and one o'clock this morning, there can be no doubt of the authenticity of the fact. Under these circumstances, as this unexpected event must exercise so important and immediate an influence upon the war, upon the negotiations for peace that are now going on, and possibly, also, upon the policy of Russia, I think my noble and learned Friend opposite will agree with me that it might be attended with much inconvenience if he were this evening to bring forward the Motion of which he has given notice with respect to the position of Prussia; and I trust, therefore, that on public grounds, he will not object to postpone his Motion, at least for a time.

LORD LYNDHURST: After the statement made by my noble Friend, I shall not of course proceed with my Motion this evening; but I beg to state that I shall not withdraw it—I shall merely postpone it: and unless I find, as the result of the negotiations that are said now to be going on at Berlin, that Prussia accedes to the treaty of the 2nd of December, or enters into some equivalent treaty with France and England, I shall bring forward my Motion upon some future day.

THE EARL OF LUCAN.

THE EARL OF LUCAN: My Lords, under the circumstances, painful to myself, and I should say very extraordinary, if not altogether unprecedented, in which I appear before your Lordships, I trust I shall receive your kind indulgence while I read the papers which I now hold in my hand, explanatory of the reasons why I present myself to your Lordships, and why I am not where I should be—at the seat of war. When I have read the papers, it is not my intention to add one word of comment or remark; but your Lordships will allow me to state at the outset that on my arrival in this country I immediately communicated with the Commander in Chief, and asked that noble Lord to have my conduct in the Crimea investigated by a court martial. So long, my Lords, as I can hope—as I at the present moment confidently hope—that my conduct will be submitted to the fair and impartial investigation of officers of the army, who, in all such matters, are the most competent judges that could be chosen, I shall be silent, and will not utter a word in this House. I hope my silence will not be misinterpreted; but, at the same time, I hope your Lordships will permit me to call your attention to the correspondence which I hold in my hand.

My Lords, the three following letters were handed to me on Wednesday, the 14th of February, by a member of Lord Raglan's staff. The first letter is from Lord Raglan, and is addressed to myself—

"Before Sebastopol, Feb. 12, 1855.

"MY LORD—Having transmitted to the Minister for War the Letter which your Lordship addressed to me on the 30th of November last, for that Purpose, I have now the honour to forward to you the Copy of a Despatch which I received this Evening from the Duke of Newcastle, with its Enclosure from General Viscount Hardinge.

"Your Lordship will perceive that the Queen has been Pleased to approve of the Recommendation of the General Commanding-in-Chief, that you should be Recalled, and that, in communicating to you this Decision, the Minister for War has instructed me to Inform your Lordship that it is Her Majesty's Pleasure that you should Resign the Command of the Cavalry and return to England.

"I have the honour to be, my Lord,
"Your Lordship's most obedient, humble servant,
"RAGLAN.
"Lieutenant-General the Earl of Lucan."

Such, my Lords, were the contents of Lord Raglan's letter. The date of the enclosure from the Duke of Newcastle—and this, my Lords, is a point of importance, to which I beg to call your particular attention—was the 27th of January. His Grace wrote in the following terms—

"War Department, Jan. 27, 1855.

"MY LORD—I have to acknowledge your Lordship's Despatch dated the 16th of December, enclosing the Copy of a Letter addressed to you by Lieutenant-General the Earl of Lucan, and submitting to me Observations upon its Contents.

"Upon the Receipt of that Despatch I felt that the Public Service and the general Discipline of the Army must be greatly prejudiced by any Misunderstanding between your Lordships as the General commanding Her Majesty's Forces in the Field, and the Lieutenant Commanding the Division of Cavalry; but, desiring to be fortified in all Matters of this Nature by the Opinions of the General commanding in Chief, I submitted without Delay, your Lordship's Despatch and the Letter of the Earl of Lucan for the Consideration of General the Viscount Hardinge.

"I have the Honour of enclosing, for your Lordship's Guidance, an Extract from the Reply which I have this Day received from Lord Hardinge, and which has been submitted to and approved by the Queen.

"I have therefore to instruct your Lordship to communicate this Decision to the Earl of Lucan, and to inform his Lordship that he should resign the Command of the Cavalry Division and return to England.

"In performing this painful Duty, I purposely abstain from any Comments upon the Correspondence submitted to me; but I must observe that, apart from any Consideration of the Merits of the Question raised by Lord Lucan; the Position in which he has now placed himself towards your Lordship renders his Withdrawal from the Army under your Command in all respects advisable.

"I have, &c.
"NEWCASTLE.
"Field-Marshal the Lord Raglan, G.C.B., &c."

The second enclosure was a letter from Viscount Hardinge to the Duke of Newcastle. It was to the following effect—

"Horse Guards, Jan. 26, 1855.

"Lord Lucan, in his Letter of the 30th of November, objects to the Terms used by Lord Raglan in his public Despatch, that his Orders for the Light Brigade to charge were given under a Misconception of the written Order, &c. He declines to withdraw that Letter, and adheres to the Construction he has put upon the Order, that it compelled him to direct a Charge.

"The Papers having been referred by your Grace to me, I concur with Lord Raglan that the Terms he used in his Despatch were appropriate; and as a good Understanding between the Field-Marshal commanding the Forces in the Field and the Lieutenant-General Commanding the Cavalry Division are Conditions essentially necessary for advantageously carrying on the Public Service, I recommend that Lieutenant-General Lord Lucan should be recalled; and if your Grace and Her Majesty's Government concur in this View, I will submit my Recommendation to Her Majesty, and take Her Majesty's Pleasure on the subject.

"I have, &c.
"HARDINGE.
"His Grace the Duke of Newcastle."

Now, my Lords, it was my intention to have read the letter which I addressed to Lord Raglan in November, and which appears to be the *corpus delicti*, or the offence with which I am charged; but I need not trouble your Lordships with reading it, because I am told it has already appeared in the *Times* newspaper. I think it right to state, my Lords, that the letter was not sent by me to the *Times* newspaper. It is true I gave copies of that letter to many friends before quitting the army, for I did not think it safe to leave the army in the Crimea with an impression on their minds that I had been recalled in consequence of writing a letter to Lord Raglan, without leaving copies of the letter behind me, that it might be clearly understood how the matter rested. I believe that in giving copies of that letter after my recall, I only did that which was due to myself and to the service in which I was engaged. But, as I have said, the letter has appeared in the *Times* newspaper, and therefore I shall not trouble your Lordships by reading it. [*Cries of* "Read, read!"] Certainly, if it is your Lordships' desire that I should read it, I will do so. The letter is dated Balaklava, November 30—five weeks after the battle. The letter was expressed in the following terms—

"Balaklava, 30th Nov., 1854.

"My Lord—In your Lordship's Report of the Cavalry Action at Balaklava of the 25th ultimo, given in the Papers which have just arrived from England, you observe "'that from some Misconception of the Instruction to advance, the Lieutenant General considered that he was bound to attack at all Hazards, and he accordingly ordered Lord Cardigan to move forward with the Light Brigade.'" Surely, my Lord, this is a grave Charge, and an Imputation reflecting seriously on my professional Character. I cannot remain silent; it is, I feel, incumbent on me to state those Facts which I cannot doubt must clear me from what, I respectfully submit, is altogether unmerited.

"The Cavalry was formed to support an intended Movement of the Infantry, when Captain Nolan, the Aide-de-Camp of the Quartermaster General, came up to me at Speed, and placed in my Hand this written Instruction:—

(Copy.)

"'Lord Raglan wishes the Cavalry to advance rapidly to the Front, follow the Enemy, and try to prevent the Enemy carrying away the Guns. Troop of Horse Artillery may accompany. French cavalry is on your Left.

"'Immediate. (Signed) R. Airey.'"

"After carefully reading the Order, I hesitated, and urged the Uselessness of such an Attack and the Dangers attending it. The Aide-de-Camp, in a most authoritative Tone, stated that they were Lord Raglan's Orders that the Cavalry should attack immediately. I asked where? and to do what? as neither Enemy nor Guns were within Sight. He replied, in a most disrespectful but significant Manner, pointing to the further End of the Valley, 'There, my Lord, is your Enemy; there are your Guns.'

"So distinct, in my Opinion, were your written Instructions, and so positive and urgent were the Orders delivered by the Aide-de-Camp, that I felt it was imperative on me to obey; and I informed Lord Cardigan that he was to advance; and to the Objections he made, in which I entirely agreed, I replied that the Orders were from your Lordship.

"Having decided, against my Conviction, to make the Movement, I did all in my Power to render it as little perilous as possible. I formed the Light Brigade in Two Lines, and led to its Support Two Regiments of Heavy Cavalry, the Scots Greys and Royal Dragoons, only halting them when they had reached the Point from which they could protect the Retreat of the Light Cavalry, in the event of their being pursued by the Enemy, and when, having already lost many Officers and Men by the Fire from the Batteries and Fort, any further Advance would have exposed them to Destruction.

"My Lord, I considered at the Time,—I am still of the same Opinion,—that I followed the only Course open to me. As a Lieutenant General, doubtless, I have discretionary Power; but to take upon myself to disobey an Order written by my Commander in Chief within a few Minutes of its Delivery, and given from an elevated Position, commanding an entire View of all the Batteries and the Position of the Enemy, would have been nothing less than direct Disobedience of Orders, without any other Reason than I preferred my own Opinion to that of my General, and in this Instance must have exposed me and the Cavalry to Aspersions against which it might have been difficult to have defended ourselves.

"It should be remembered that the Aide-de-Camp, well-informed of the Instructions of his General, and the Object he had in view, after first insisting on an immediate Charge, then placed himself in front of one of the leading Squadrons, when he fell the First Victim.

"I did not dare to disobey your Lordship; and it is the Opinion of every Officer of Rank in this Army to whom I have shown the written Order, that it was not possible for me to do so.

"I hope, my Lord, that I have stated the Facts temperately and in a becoming and respectful Manner, as it has been my Wish to do.

"I am confident that it will be your Desire to do me Justice. I will only ask that your Lordship should kindly give the same Publicity to this Letter that has been given to your Report, for I am sensitively anxious to satisfy my Sovereign, my Military Superiors, and the Public, that I have not on this unhappy Occasion shown myself undeserving of their Confidence or unfitting the Command which I hold.

"I have the honour to be, &c.,

"Lucan,

"Lieutenant-General, Commanding Cavalry Division.

"His Excellency the Commander of the Forces."

My Lords, immediately on my arrival in this country yesterday—having written the letter on my journey, I sent my son, my aide-de-camp—to the Adjutant-General at the Horse Guards, with the following communication—

"20, Hanover Square, London, March 1.

"Sir—I have obeyed her Majesty's Command to Resign the Command of the Cavalry of the Army of the East and to Return to England. I have now the Honour to Report my arrival for the Information of the General commanding in Chief. I consider it due to my professional Honour and Character to seize the earliest moment of requesting that my Conduct in Ordering the Charge of the Light Cavalry Brigade at Balaklava on the 25th of October, and Writing the Letter I addressed to Field Marshal Lord Raglan on the 30th of November, may be Submitted to and Investigated by a Court Martial. I make this Appeal to General Lord Hardinge with the greatest Confidence, believing it to be the undoubted Privilege, if not the positive Right, of every Soldier to be allowed a Military Inquiry into his Conduct when, as in my case, he shall consider it to have been unjustly Impugned.

"Lucan, Lieutenant-General.

"To the Adjutant-General."

My Lords, I made that appeal to the Commander in Chief with the utmost confidence, believing it to be the undoubted privilege, if not the positive right, of every soldier to be allowed a military inquiry into his conduct, when, as in my case, he shall consider it to have been unjustly stigmatised. When I asked your Lordships to permit me to read my documents, I promised not to add one word of remark or comment, nor shall I do so; but I think your Lordships will admit that under the circumstances in which I am placed I could not have done less than read the correspondence which I have now submitted for your consideration.

Earl GRANVILLE: I am quite sure that your Lordships, under the peculiar circumstances of the case, will not expect that I should offer any objection to the seeming irregularity of the statement which the noble Earl has just made. But as the noble Earl has confined himself to reading a portion only of the correspondence which has taken place with regard to the command of the cavalry division, as he has stated to the House the reasons which have induced him to take that course, and as he has purposely abstained from introducing any comments of his own upon the subject, reserving the right to do so under certain contingencies, I think the House will feel that no further conversation should take place at the present time.

DEFICIENCY BILLS.

In reply to a question from Lord Monteagle,

The Earl of Lucan

Earl GRANVILLE stated that the correspondence which passed between the late Chancellor of the Exchequer and the Governor of the Bank of England, respecting the issue of deficiency bills was of a private character, and in the opinion of Mr. Gladstone it would not be for the advantage of the public interests to produce it. At the same time the right hon. Gentleman personally had not the slightest objection that it should be produced. Mr. Gladstone had thought it right to leave the correspondence in the office, in order that his successors might have the information which it contained, and be at liberty to deal with the subject as they thought fit.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, March 2, 1855.

Minutes.] Public Bills.—1° Ecclesiastical Property (Ireland); Secretaries and Under Secretaries of State (House of Commons); Tea Duties Decline Suspension.

FIRE ARMS FOR THE CAVALRY, &c.

Mr. MAGUIRE asked the Under Secretary at War whether any steps, and, if any, what steps, had been taken by the War Department to improve the armament of the cavalry, artillery, or other troops, by providing them with a breech-loading arm?

Mr. F. PEEL said, that several kinds of breech-loading weapons were under the consideration of the Ordnance, but that some time must necessarily elapse before the officers intrusted with the examination of them could recommend that any improvement should be adopted.

WANTS OF THE ARMY IN THE CRIMEA.

Mr. T. DUNCOMBE asked the Under Secretary for War whether there was any objection to lay upon the table copies of any letters or despatches that had passed between Lord Raglan and the Minister for War relative to the wants of the army in the Crimea?

Mr. PEEL objected to the production of portions of correspondence between Lord Raglan and the Minister at War relative to the wants of the army in the East. It ought to be left to the Government to determine at what period the correspondence should be produced; and besides, the appointment of the Committee would obviate the necessity of its production.

MR. T. DUNCOMBE: Do I understand that the hon. Gentleman objects to produce the correspondence?

CHAPLAINS IN THE ARMY—QUESTION.

COLONEL GREVILLE said, he begged to ask the Under Secretary for War whether the salaries of the chaplains attending the army in the East were fixed during the past year by a War Office regulation at 10*s.* for the Church of England, 7*s.* 6*d.* for the Presbyterian, and 5*s.* for the Roman Catholic, for the performance of their respective duties; and if so, whether it is the intention of the Government to make any alteration with a view of placing the clergy of each denomination on a footing of equality while engaged in this arduous service?

MR. FREDERICK PEEL said, that certain regulations were made prior to the chaplains being sent out to the East. The Presbyterian and Church of England clergymen were paid at the rate of 16*s.* per day, with rations and allowances. Some of the clergy of the Church received 100*l.*, in addition to 100*l.* paid by the Society for the Propagation of the Gospel. The Roman Catholic clergymen were paid at the rate of 150*l.*, in addition to the rations and allowances given to the other clergymen. The difference in amount arose in consequence of the different scale of living to which the various clergymen had been accustomed.

SERGEANTS' PENSIONS—QUESTION.

COLONEL NORTH said, he wished to ask the Under Secretary for War whether those sergeants of regiments of militia who are now pensioners from the army, and who have volunteered for foreign service, will be allowed to count that service towards increase of pension?

MR. FREDERICK PEEL said, the staff sergeants who were serving with the militia would receive, in addition to their pay, 1*s.* 6*d.* per day. Those who had volunteered for service in the East had been given a bounty of 3*l.*, of which 2*l.* had been paid down, and 1*l.* expended in necessaries. Those who continued in the militia for twenty years would receive a pension in the militia in addition to that for their service in the army; but their services in the Mediterranean would not be allowed to count in addition to their service in the army.

COLONEL NORTH said, they had no chance of living to that time, for they were old men at the present time.

SURGEONS FOR THE CRIMEA—THE HOSPITALS—QUESTION.

COLONEL SMYTH said, he would beg to inquire of the hon. Under Secretary of State for War, whether any arrangement has been made to send either to Scutari or to the camp in the Crimea those surgeons of militia regiments who have volunteered their services in accordance with a circular addressed to them from the War Office; or, whether any arrangements have been made to send out the civil practitioners who have offered their services?

MR. FREDERICK PEEL said, that a circular had been sent from the War Office to the surgeons of militia regiments, requesting to know whether they were willing to proceed to the East. That circular had not been out more than eight or ten days, and he was informed that no offers had been as yet made in answer to those circulars. With regard to the sending out of civil practitioners to the East, the head of the medical department had been authorised to procure the services of ten practitioners to serve in the army and the hospitals, and an establishment with twenty surgeons was in course of erection at Smyrna.

COLONEL DUNNE said, he wished to ask whether the Government had made any inquiry into the salubrity of Smyrna, which he believed to be the most unhealthy part of the Levant?

MR. FREDERICK PEEL said, in reply, that Smyrna had been represented as an unsuitable place for the establishment of a hospital; but, before its establishment, commissioners had been sent out, who reported it as favourable, and the salubrity would depend upon the interior management and arrangement of the hospital itself.

DEATH OF THE EMPEROR OF RUSSIA—QUESTION.

MR. FRENCH: Sir, I trust the noble Lord at the head of the Government will excuse me for putting a question without notice. There is a rumour that Her Majesty's Government have received intelligence of the death of His Majesty the Emperor of Russia. I wish to ask if such intelligence has reached the Government.

VISCOUNT PALMERSTON: Sir, two telegraphic despatches have been received —one from Berlin and the other from the Hague—stating that the Emperor of Russia died in the course of this forenoon.

THE COLONIAL DEPARTMENT—QUESTION.

SIR JOHN PAKINGTON said, he wished to ask whether any successor had been appointed to the hon. Member for Bury (Mr. F. Peel), who recently held the office of Under Secretary for the Colonies —whether it was the intention of the Government to introduce a Bill with respect to the Australian constitution—and whether the Government had received any intelligence of serious disturbances having occurred in the colony of Victoria, as stated in the third edition of the morning newspapers?

SIR GEORGE GREY said, that no Under Secretary for the Colonies had yet been appointed. The right hon. Gentleman was probably aware that no successor could be appointed at present, as only two Under Secretaries could sit in the House of Commons. Notice had been given of the introduction of a Bill to allow a third to sit in that House, and if the Bill should receive the sanction of Parliament, the appointment would at once take place. In reply to the second question of the right hon. Gentleman, he had to state that the Government had at present no intention of proposing any measure with reference to the Bill for creating a constitution for the Australian Colonies. The attention of his noble Friend the Member for the City of London would, however, be directed to the subject. The delay in this matter had been unavoidable, and the Government had not yet received the definite decision as to the views of the different Legislatures of Australia. With reference to the third question, all he could say was, that no official information had been received with respect to any disturbances in Victoria.

LEGISLATION FOR IRELAND.

MR. WILSON having moved that the House at its rising should adjourn until Monday next,

MR. NAPIER said, he would take that opportunity to call the attention of the House to the position in which Irish business stood, and the very great injustice which had been done, both to Ireland and her representatives, by the mode in which that business had been neglected. He had no wish to raise any imaginary feeling of injustice done towards Ireland, but he certainly considered that every effort at legislation for that country by independent Members had been most unfairly dealt with by the Government. He had before him a vast number of Bills which had been introduced at different times for the amelioration of the social and commercial condition of Ireland. The first was the Jurors Bill, brought in last Session by his hon. and learned Friend the Member for Enniskillen (Mr. Whiteside). The Government at the end of the Session stopped that measure, and said they would prepare a Bill of their own on the subject. They did so, and he found that no less than three-fourths of the provisions of the Government Bill were actually taken from the measure introduced by his hon. and learned Friend. Well, that Bill had been laid on the table, and from week to week up to the present time he had waited to see it proceeded with, but he had waited in vain. Another subject of deep interest to the people of Ireland was the fisheries. Bills on that subject had been brought in during the years 1823, 1824, and 1825, and yet nothing had been done, nor did he know what were the intentions of the Government upon that highly important subject. Then came the Landlord and Tenant Bills; how had the Government acted with respect to them? Two Bills were introduced on the subject last Session, but neither of them was adopted. Those two Bills had this Session been embodied in one measure by his hon. and learned Friend (Mr. Serjeant Shee). The first part of that Bill had been adopted, but the second part had been rejected. Considering the manner in which these several measures had been treated by the House and by the Government, he said—and said advisedly—that it was hopeless for the people of that country to look to Parliament for justice; he therefore appealed to all the Irish Members to rally together and insist by their combined efforts that measures which had been so carefully prepared and so long desired by the people of Ireland should become law.

VISCOUNT PALMERSTON said, he was not at all surprised at the appeal which had been made by the right hon. and learned Gentleman to the hon. Members below the gangway, in order to enlist them under his banner. It was, however, for them to consider how they would answer that appeal. But he thought the right hon. and learned Gentleman had not dealt fairly by the House in stating that Ireland was treated less well in their deliberations than any other part of the United Kingdom, and that Irish measures were neglected by the House. He thought he could honestly appeal to hon. Members as to whether the portion of time which was taken up during the last Session by Irish Members upon Irish subjects was, at least, as great as could be reasonably assigned to that part of the United Kingdom. He did not grudge it, but, if the right hon. and learned Gentleman would refresh his memory and look back to history, he would find that his complaint was neither just nor well founded. He was sure the House of Commons duly appreciated the importance of Ireland as a part of the United Kingdom; and more especially, in consequence of the circumstance of the present time, he was assured, if the attention of the House were called to any legislative improvement that could be made in the condition of that country, that there was not a Member in it disposed to treat the matter lightly, or to refuse giving due attention to whatever might be brought under the notice of Parliament to promote the interest of Ireland. With regard to the Bills to which the right hon. and learned Gentleman had referred, he had, in the first place, made it a grievous complaint that all Irish Bills had been postponed. Now, on that point, he would appeal to the candour of the right hon. and learned Gentleman, and ask him whether that postponement might not fairly be attributed to the circumstances under which the Gentlemen who had been sitting on the Ministerial benches for the last month had been placed, when all the legislative functions of the House had been in a state of abeyance? It was impossible that measures of any importance could be submitted to Parliament for discussion unless the Members of the Government who were more immediately responsible for such matters were present to discuss them. He was therefore sure that the right hon. and learned Gentleman would not consider it at all unreasonable that such measures should be postponed until they had a Secretary for Ireland and the law officers for Ireland in the House ready to discuss them. With regard to the Jury Bill, the great complaint on the part of those who originally brought in that Bill was, that the Government had pirated three-fourths of the measure and embodied it in their own Bill. Now, he thought if he had proposed a measure that had not been successful, and any other Gentleman had subsequently introduced a Bill on the same subject and had taken three-fourths of his own, he should rather be disposed to thank him for what he had done than to blame him. It would be an acknowledgment of the good judgment he had evinced in framing his Bill. Then, with regard to the Fisheries Bills, they were not brought in by the present Government, but by the right hon. Gentlemen opposite. He did not think the mere fact that such Bills had been postponed was a just ground of complaint by the right hon. and learned Gentleman, or evinced a disposition on the part of the House to treat the interests of Ireland lightly or with indifference; on the contrary, it was rather a proof that they were disposed to give a liberal consideration to every measure connected with that country, without, in the first instance, prejudging its merits. Now, with regard to the Landlord and Tenant Bill, the great complaint, as he understood, was, that the provisions of that Bill were most dexterously interwoven with those of two other Bills, one of which was and the other was not likely to pass the House, and therefore that the hon. and learned Gentleman (Mr. Sergeant Shee), either in connivance with the Government, or actuated by some evil disposition with regard to Ireland, endeavoured to obstruct his own measure by tying to it two Bills, one of which was sure to cause the failure of the other. This, however, was a matter with which the Government had nothing to do. It would be far better for the right hon. and learned Gentleman opposite, and the hon. and learned Serjeant the Member for Kilkenny, to settle it between themselves, and afterwards the right hon. and learned Gentleman could come before the House and state his complaint. The Government were not responsible for any interruption of public business which had arisen from causes beyond its control, and he thought he was quite justified in asking for the forbearance of Irish Members to allow this measure to stand over until the Irish Government was properly represented in that House.

MR. WHITESIDE said, he had listened

with close attention to the noble Lord, but had failed to discover the slightest argument in favour of the course adopted. His right hon. and learned Friend the Member for the University of Dublin never charged the House of Commons with not having attended to Irish business, for he believed there never was a body more favourably inclined to consider questions affecting the interests of Ireland. What he complained of was, that every Irish Member was kept in a state of doubt, uncertainty, and inextricable confusion with respect to what was to take place, or what the Government intended to do for Ireland. Irish Members were sometimes accused of drawing upon their imaginations, but he thought the noble Lord had drawn upon his imagination when he stated that last Session the House had been day after day occupied with the consideration of Irish measures or the discussion of Irish questions. What measures—what questions, he would ask? He knew of none which had so engrossed the attention of the House. At present, through the operation of the Incumbered Estates Court, an enormous quantity of land was daily changing hands in Ireland, but the Landlord and Tenant Bill had a retrospective clause, the effect of which would be that persons buying such estates would be liable to burdens which they did not at present contemplate; and, therefore, he thought his right hon. and learned Friend was quite justified in calling upon the Government for explanations, which, however, he was sorry he had not been able to obtain. As to his right hon. and learned Friend applying for assistance below the gangway, he thought hon. Members who occupied that position were likely to find the noble Lord (Viscount Palmerston) much more squeezable than Lord Derby, for when the fate of Lord Derby's Ministry depended on supporting the hon. and learned Member for Kilkenny's Bill, he said he would not do so, and the fate of his Ministry was decided by that answer. It was of the last consequence to know what the Government intended to do, but, perhaps, his right hon. and learned Friend was too pressing in asking the noble Lord to explain his intentions when he, perhaps, had not yet formed them.

Mr. Serjeant SHEE said, he would, in a few words, explain the course which he had thought it right to pursue, and he must be allowed to say that he thought the noble Lord had acted very wisely in giving no answer to the hostile question of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier). He certainly was surprised that the hon. and learned Gentleman the Solicitor General for Ireland under Lord Derby's Government should get up in the presence of his right hon. and learned Friend and blame him (Mr. Serjeant Shee) and the Government for having sanctioned the Tenants' Compensation Bill containing retrospective clauses. The Government of Lord Derby was composed of some of the most eminent lawyers who had ever held office in this or any other country—Mr. Blackburne, Lord St. Leonards, and the right hon. and learned Member for the University of Dublin; when it was probable they could keep their places by so doing—and after they had even permitted their Attorney General to charge those who supported the Landlord and Tenant Bill, containing retrospective clauses, with confiscation—they themselves brought in Bills containing retrospective clauses. [An hon. Member: No, no!] Did the hon. Member deny it? He would read a passage from the speech of the right hon. and learned Gentleman the Member for the University of Dublin, in proof of his assertion. That right hon. and learned Gentleman would not deny it. [Mr. Napier was understood to say that he did not.] That admission was enough, and would save him the trouble of reading the extract which he held in his hand. Nothing could be more distinct than the recognition of retrospective compensation by the right hon. and learned Gentleman. What happened afterwards in respect of these Bills? They were referred to a Select Committee, and discussed for two or three months, and the result was that the Government of Lord Aberdeen proposed a modification of the Bill of the right hon. and learned Gentleman, providing that compensation should be limited to those improvements which were visible on the surface of the soil, and also that every tenant who made improvements should be entitled on eviction to compensation by money payment. The Bills went to the House of Lords in that shape. A correspondence then took place between the right hon. and learned Gentleman and Lord Donoughmore, and the result was, that the House of Lords passed all the Bills sent up except one, and then the right hon. and learned Gentleman endeavoured to persuade the House of Commons to pass the other Bills without it. When the noble Lord the Member for the City of London (Lord John Russell) was appealed to on the subject, he said, I intended to pass Bills which should be good for the landlord and good for the tenant; but if they send down that which is good for the landlord, and refuse to pass that which is good for the tenant, I will have nothing to do with them. What had been done during the present Session? Last Session he had proposed a Bill, founded upon one which had been frequently introduced by Mr. Sharman Crawford. That Bill was lost, and in order that he might not in future be called unreasonable, he gave notice on the last day of the Session that he should propose the adoption of the very Bills which the country had approved of. He took the Compensation Bill and the Leasing Powers Bill, and put them together. He would not allow the right hon. and learned Gentleman the Member for the University of Dublin to get only one Bill passed, and that the Landlord Bill, without taking any notice of the Tenant Bill. To avoid this, he had put the two Bills together, but he had taken care that the Tenant Bill should go first, and the Landlord Bill next, on the same principle by which children were told that, if they would take their rhubarb, they should have a lump of sugar afterwards. The noble Lord at the head of the Government wanted a strong Government, but he would not have it until he had the liberal Irish party with him, and he would not have their support until he settled the Irish landed question. He hoped that the noble Lord would be able to make a unanimous and a strong Government which could settle this question at once and for ever.

Mr. FRENCH said, he thought the hon. and learned Gentleman who had just sat down had faithfully followed the advice of the noble Lord, who had advised the Irish Members to fight out their quarrels among themselves. The hon. and learned Gentleman had made, for some unknown reason, a violent attack upon the right hon. and learned Member for the University of Dublin, and had further attacked, or rather threatened, the noble Lord himself. He (Mr. French) did not see why the noble Lord should express surprise at the question which had been put to him, for Irish Members had always complained of the periods selected for the transaction of Irish business. Not only were Irish Bills brought forward at inconvenient times, but they were generally unintelligible. That arose from the fact that there was no person conversant with Irish law specially employed to prepare these Bills. The Lord Advocate of Scotland was assisted by a Parliamentary draughtsman well acquainted with Scotch law, and the consequence of that arrangement was that Scotch Bills were usually well received by all parties. He certainly was of opinion that Irish Members might postpone their questions until the Government representatives of that country were present, but he would submit to the noble Lord at the head of the Government whether it would not be advantageous to give the Secretary for Ireland the assistance of some person well acquainted with Irish law in the preparation of Bills connected with that country.

Colonel DUNNE said, that some hon. Gentlemen appeared to be seeking to make political capital out of this question. He thought it was not unreasonable that Irish Members should defer their questions till the Secretary for Ireland was in his place, but it was singular to find that the Government had placed on the orders of the day an Irish Bill—the Lunatic Asylums (Ireland) Advances Bill—for second reading. That Bill should certainly stand over till the Secretary for Ireland was in the House; and, moreover, Members ought to be told when the business relating to Ireland would be taken.

Motion for the adjournment of the House until Monday, *agreed to.*

ARMY BEFORE SEBASTOPOL COMMITTEE.

Mr. ROEBUCK said, that he rose to perform what was to him a disagreeable and a painful duty—namely, to propose to the House to make the Select Committee appointed to inquire into the condition of the army before Sebastopol a Secret Committee. In submitting this Motion to the House, he wished to make a few observations, not because he had any doubt as to the wisdom of the course which he was now recommending, but because it was one which might be open to misapprehension and misconception out of doors. As there might be some misapprehension and misconception as to what was intended, he would explain what was really meant by making the Committee a Secret Committee. According to a celebrated formulary, these were the courses which they could adopt:—They might either make it an open Committee—admitting the public as well as Members of the House—or they might exclude the public but not Members;

or they might appeal to the House to make the Committee a secret one. The Members of the Committee had come to the conclusion that secrecy was requisite, but as to the mode of obtaining that object there had been some difference of opinion. The majority of the Committee considered that secrecy would be best obtained by doing it effectually, that is by shutting out, not only the public, but Members of the House. Two members of the Committee thought that the better course would be to shut out the public and to appeal to Members of the House, saying that they thought secrecy requisite, and that they hoped no hon. Members would break in upon that secrecy. The majority, on the other hand, thought that that would not be the wisest course, and he (Mr. Roebuck) had been requested to appeal to the House to make the Committee a secret one. It must be understood, in so doing, that the Committee had no intention of putting an end to all publicity. When the investigation was concluded, and when the Committee had considered the evidence, it would make a selection of such portions of the evidence as could be printed without detriment to the public service. In making this appeal to the House, the members of the Committee, and he (Mr. Roebuck) amongst the number, felt that they were appealing to the House to show confidence in their discretion. The House had submitted to them a very difficult and delicate subject of inquiry, and they wished to make the investigation not only a complete investigation, but, at the same time, to make it useful and safe for the country at large. They felt that they could not make that investigation a safe and searching one if they had not the power of keeping secret that of which they might be informed from day to day. They felt if they allowed the public to come in, every particle of the evidence given before them might be published in the newspapers as soon as it was propounded. Accusations against individuals would go forth, and answers might be given some time hence, but the individuals would necessarily remain subject to those accusations until the answers could be given. He (Mr. Roebuck) had himself considered that this was an inconvenience to which individuals must submit if the public interest required the sacrifice, but there was a still graver question behind, and really, in giving to the House their reasons for the request which the Committee now made, he felt this difficulty—that the very reasons which suggested to them the propriety of the course which they were now recommending almost precluded him from stating to the House what those reasons were. He would only shadow them forth. We were at present allied to a great Power, which was giving us assistance from day to day in prosecuting the war in which we were engaged. Now, to maintain that alliance complete, and to maintain a perfectly good understanding between the two nations, was, he was convinced, the wish of every man in that House; but to do this, and, at the same time, to give every man who came before the Committee perfect liberty to defend himself as he best might, they found to be impossible. This difficulty had pressed upon them, and in meeting it they had only to throw themselves on the consideration of the House. They asked the House to have confidence in them—to have confidence in their discretion and honesty of purpose to make this a searching inquiry, and to blink no question really submitted to them, but, at the same time, to protect the public interest. In so doing, they had thought it their duty to come to the House, and he appealed, as the humble spokesman of that Committee, who now threw themselves on the consideration of the House. He said to them, "You have delegated to us a difficult and important task; you have had such confidence in our discretion as to submit to us this very difficult inquiry; have further confidence in us; depend upon us that we intend to make the inquiry complete, and depend upon us to take the wisest course for that means." He felt himself unable really to express all that he felt upon this occasion—the difficulty of the task was so great, and the rocks around him beset his path on every side. He was not one whit inclined to question the wisdom of the House in appointing the Committee. The good that they had done was already manifested; the good that they might hereafter do would, he was sure, fully compensate for all the difficulties which they might encounter; and, if the House would concede to them the secrecy which they asked, he was sure that they should be enabled to fulfil the desire of the House, to make the inquiry searching and complete, and to propound a reform—for reform was wanting—which should result to the advantage of the whole community. They should be enabled to do that, if the House, having confidence in their prudence, would grant them the secrecy which they asked.

Motion made, and Question proposed, "That the Committee be a Committee of Secrecy."

LORD SEYMOUR said, he wished to state, in a very few words, why he dissented from the present application to the House. The hon. and learned Gentleman, the Chairman of the Committee, had not, he thought, quite rightly represented the feelings of the Committee upstairs—at least, he had not quite rightly represented his (Lord Seymour's) feelings. Hon. Members might imagine, when they saw the Committee coming back immediately to the House and asking for the power of secrecy, that upon going into the Committee they had suddenly discovered some State secret of so dangerous a character, so perilous in its nature, and so alarming, that they were overwhelmed with horror at what they had discovered, and had run back therefore to the House to beg that they might be allowed to bury it in eternal silence. But, to tell the House the truth, they had nothing to conceal, for as yet they had discovered nothing. They had not seen a single witness or heard a single statement on the subject; and the House, therefore, was in exactly the same condition in which it was when the Committee was moved for. If it were now necessary to have the Committee secret, it was then equally necessary; but they were told at that time that it was the public who wanted this full inquiry, and that the whole subject was to be brought before the public. But now it seemed the inquiry was to be secret. There might, as the hon. and learned Member for Sheffield had stated, be three sorts of Committees—one open to the public as well as to Members—and he should have been glad to have adopted that course in the present case, for he thought that it was upon most occasions the preferable course. In this instance, however, it might be impossible to do that, because in the first place the room would be so overcrowded with the curious and the interested that the Committee would be impeded in their inquiry. Obviously, also, there would be reports spread about by persons over whom they had no control, which would be both unfair to individuals and inconvenient to the public service. Another course was to make it a completely Secret Committee. If that were done, questions would be asked and answers given under that plea, which would not be asked and answered if the Committee were a public one. But then it was said, that having got that information, the Committee would strike it out. Was the House aware how that was to be done? The only way in which it could be done was, by the unanimity of the Committee. Then, if a Member moved that certain words—reading them all—stand part of the evidence, a division would ensue, and they would appear upon record as part of the proceedings of the Committee, with the additional fact of a division upon them to draw attention to them. For this reason a Secret Committee must withhold its proceedings from the House. In this case such a course would not be satisfactory. Undoubtedly, the inquiry was a difficult one; but having entered into it they must proceed with it, and he thought that the best way to do so would be to take the third course—which was the ordinary one—to trust to the discretion of the Committee. He had served on many Committees when the public had been excluded and Members admitted, and he was bound to say not only that the Members had not published what had been stated in Committee, but that he had often received very great service from their presence. Were the advantages of an open inquiry to be given up for the sake of secrecy, when, in point of fact, there would be no secrecy, for in this case the evidence and the proceedings of the Committee must be laid on the table of the House? The hon. and learned Gentleman (Mr. Roebuck) had shadowed out darkly the motives for preserving secrecy, and the shadows were so strong that he would not throw any further light upon them to deepen their shades. As regarded the public, the question resolved itself into two phases—was the public interest in the proceedings of the Committee to be sacrificed? or, if charges were made against any individual, should they be published throughout the country before any answer could be made to them? That difficulty he did not believe would be diminished, but, on the contrary, rather increased by the attempt at secrecy, and, in his opinion, that attempt would give rise to discussions out of doors, and while creating a vast amount of suspicion, would answer no good purpose whatever. The hon. and learned Gentleman had stated that all the Committee were of opinion that secrecy was requisite. Now, he did not understand that such was the case. No doubt there might be certain questions which it would be necessary to consider the propriety of putting, and answers might be made which ought not to be made, and, if such answers were made, it would of course become the duty of the Committee to consider how to dispose of them. That such should be the case resulted from the nature of the inquiry, and was evident before the Committee was voted. It was said that if Members of that House were admitted into the room they would betray the proceedings of the Committee; that he did not believe, for if it were likely that Members of that House would betray what was going on, was it not equally probable that Members of the Committee would do the same? It was only natural to ask, *Quis custodiet ipsos custodes?* Let the House fairly consider the case. Was there any reason to suppose that, if the Committee considered it inexpedient that their proceedings should be published in the daily press, by shutting out the Members of that House they would quite exclude the influence of the press? He did not think that it would be so, and the exclusion of Members of the House would not prevent circumstances from oozing out; and if circumstances did ooze out, although it might have occurred through the instrumentality of a witness, who, considering his evidence of importance, might give it to the newspapers, still each Member of the Committee would feel a sort of stigma upon him, and would feel humiliated that the proceedings of a Committee which had been enjoined to secrecy should obtain publicity. In his opinion, the best course to adopt would not be to attempt the introduction of secrecy. He had looked back to authorities for Secret Committees, and had found that very few had proved satisfactory. Committees upon banking or upon commercial matters were of a different nature, because there was not the same public anxiety for immediate information as existed in this case. He would only add that if the House should decide upon this being a Secret Committee the responsibility would rest with them, for, for his part, he did not think that any benefit or advantage would arise from adopting that course. It would lead to questions being put which would not otherwise be put, and in that respect would be injurious. If, however, the House of Commons should think otherwise, he could only state that he was prepared to do his best to carry on a searching inquiry, and his energy should be devoted to the task as completely, if the Committee were a Secret, as if it were only a Select Committee.

Mr. WILSON PATTEN said, he wished to express to the House the feeling he entertained upon this subject. Several Members of that House had, like himself, when the hon. and learned Gentleman brought forward his Motion, opposed that Motion, not more upon grounds founded upon their opinions with regard to it than because they foresaw the difficulties which would inevitably arise if the House of Commons acceded to the appointment of the Committee. To many hon. Members it was obvious that such a Committee could not proceed one step without encountering great difficulties, and the result had proved that, on the very first day after the House had granted that Committee, it had become involved in difficulty. The noble Lord (Lord Seymour) had pointed out some of those difficulties, but he had not stated the case as he (Mr. W. Patten) considered that it ought to be submitted to the House, and he had made a mistake as to what would be the nature of the inquiry. He (Mr. W. Patten) had had the honour of serving on a Secret Committee some years back, and he thought that it was very necessary that every Member should know how the proceedings of a Secret Committee were conducted. He quite agreed with the hon. and learned Member for Sheffield (Mr. Roebuck) that if the House granted a Secret Committee it ought to place the highest confidence in the judgment and discretion of the members of that Committee; no other course could be pursued: but in the present instance there was at once this dilemma, from which it was impossible to escape, that motives of public policy might require one course of conduct to be adopted, while absolute justice to individuals might require a completely contrary course. He would take as an example one particular case—that of the Duke of Newcastle—and he would take that case because the vote of that House had peculiar reference to that noble Duke. Whatever might be the feeling in that House with regard to the vote at which it had arrived on the Motion of the hon. and learned Member for Sheffield, the feeling out of doors undoubtedly was that that vote was a direct censure upon the Duke of Newcastle. ["No, no!"] Why, several hon. Members, in the course of that debate, had absolutely avowed that they looked upon the Motion as a vote of censure on the Government. Well, then, he would assume that it was a vote of censure on the Government; but it was the Duke of Newcastle who had the conduct of that branch of the public service which was chiefly under discussion, and must therefore be considered to occupy a prominent position as regarded that vote of censure. The noble Duke had accepted that vote as a vote of censure, and had in consequence resigned the office which he held, and in so doing he acted in accordance with what was the general opinion of the public. Well, the House had appointed a Committee to inquire into the conduct of the Government in supplying the army in the Crimea, and the conduct of the Duke of Newcastle, even in an inquiry into the subject of transports, must necessarily be more or less implicated. Questions might be put to him implying charges from which he might think it to be his duty to defend himself by any statement which it might be in his power to make, but then the Committee, if it were secret, would have to decide whether they would report to the House or suppress the statements which the noble Duke might consider it necessary to make in his defence. He did not wish to say one word against any member of that Committee. It appeared to him to be composed of gentlemen of high talent and experience, but he held in his hand a list of the members of that Committee who sat on the first day, and he found that of the nine who had supported this application for secrecy five had voted in favour of the Motion for censuring the Government; and when it came to be a question as to whether the answers of any persons implicated should be published, that question might be decided by those members, and would, as such might be the case, the Report of the Committee be received with perfect confidence by the House and by the country? That was a difficulty which ought to have been foreseen, and he might say that he had never heard a debate in which the arguments were so entirely on one side as in the debate upon the Motion for the appointment of this Committee. There was a course which the House might have taken, and which generally was taken when difficulties like those now apprehended were involved in an inquiry. In such a case the House generally defined as minutely as it could what the objects of inquiry were, so as to keep the Committee strictly within bounds. Now, if the object of this investigation was really to ascertain how the transport service and the supply of necessities to the army had been conducted, there would have been no great difficulty in defining it, with a view to avoid the great dangers which had been shadowed forth. That course, however, had not been pursued, and the House must now decide for itself upon the question submitted to it. His vote would depend upon the arguments which might be addressed to the House upon the subject, his object in rising having been simply to point out that the greatest injustice might be done to individual character, which might possibly be shipwrecked while the Committee was pursuing this inquiry.

SIR JOHN PAKINGTON: I have the honour, Sir, of being a Member of this Committee, and, as I am a party to the application now made to the House, I wish to state shortly what are my views upon the subject. The hon. Gentleman the Member for North Lancashire has stated that this Committee is viewed as an attack upon the Duke of Newcastle.

MR. WILSON PATTEN: No, no! Those words certainly did escape my lips, but I corrected myself, and said that the vote of inquiry was viewed by many Members as a direct censure upon the Government, of which the Duke of Newcastle was the most prominent Member as far as the conduct of the war was concerned.

SIR JOHN PAKINGTON: I am very glad the hon. Gentleman has retracted his original statement. For my part, I disclaim now, as I have before disclaimed, any intention of attacking any individual. But the speech of the hon. Gentleman has not been one addressed to the question now before us, as to whether this shall be a Secret Committee, but, on the contrary, was a speech confined entirely to a discussion of the propriety of the vote come to by the House for the appointment of this Committee. The noble Lord the Member for Totness (Lord Seymour) tells us that the application of the hon. and learned Member for Sheffield is not founded on any State secret that has come before the Committee, and with regard to which secrecy is desirable. Now, that statement seems to me quite superfluous. We have discovered nothing new, indeed, for the very simple reason that we have not yet commenced our inquiries; but the first step we had to take was to consider, as it is ordinarily called, the proceedings of the Committee; and when we began to consider what those proceedings were to be, we were all of us (including, I think, even the noble Lord and the right hon. Gentleman opposite) deeply conscious of the responsibility under which we laboured in the discharge of the duty confided to us. It was upon a full consideration of this responsibility that we came to a decision, which I think I may say was also unanimous, that the public ought to be excluded from our proceedings. So far we were quite unanimous. The question now before us seems to me to be whether the House of Commons does or does not adhere to the opinion expressed by so large a majority, that this inquiry ought to be a complete and a searching inquiry. The opinion of the majority of the Committee is that we could not do our duty to the public, that we could not make this inquiry a searching one, that we could not conduct the investigation in a manner which would enable us hereafter to make such a Report as the House and the country had a right to expect, if the public were admitted, or if, in fact, the Committee were not made a Secret Committee. The House has confided to us a most difficult and responsible duty. It is a duty which we are willing to undertake, but we are only willing to undertake it upon terms which will enable us to discharge it satisfactorily. There are two requisites to secure that object which we are bound to consider. The first is, that this inquiry, delicate and difficult from reasons which the hon. and learned Member for Sheffield has alluded to, should be conducted with due care, circumspection, and prudence; the second is, that it should be a complete and searching investigation. Now, I submit to the House, as the opinion of the large majority of the Committee, that we cannot comply with these two conditions unless this is a secret inquiry, and unless we prevent the insertion, from day to day in the public papers, of selected portions of our proceedings, together with those comments upon the evidence which would be the inevitable result of such publicity. Upon this point, I repeat, the Committee are unanimous. There, then, arises the question which has been stated by the noble Lord (Lord Seymour), whether we are to exclude from our deliberations both the public and Members of this House. Now, where were the noble Lord's arguments upon this point? He says, if I understood him rightly, that if this is to be a secret Committee in that sense, we shall be led into a line of examination in which we should not otherwise indulge.

Sir J. Pakington

Whatever confidence, therefore, the House may feel disposed to place in the Members of the Committee, it is clear the noble Lord does not share that confidence. For my part, I can imagine no reason—and the noble Lord has certainly stated none—why, if this is to be a Secret Committee the line of examination should not be the same as that they would pursue under other circumstances. Then, again, the noble Lord has told us that, supposing the inquiry to be a secret one, we shall still be unable to prevent the public from becoming aware of our proceedings, because nothing can be expunged from those proceedings except upon motions to that effect, and after divisions thereupon, which motions and divisions would be duly recorded, so that in one way or another the objectionable matter, whatever it might be, would be eventually brought before the public. Now in this I believe him to be entirely mistaken, for the Committee, it seems to me, would have absolute discretion as to what part of the evidence they would lay before the House, and absolute power to deal as they thought fit with such portions of that evidence as, with a due regard to individuals or other delicate considerations, they might consider it desirable should not be made public. So far, however, as my vote in the Committee has been given, and so far as it will be given in this House, I have not the least intention of suppressing the evidence that may be taken before the Committee. On the contrary, I think it desirable that the evidence should be published, and my chief reason for urging the House to place confidence in this Committee, and to enable us to conduct our inquiry in such a manner as the justice of the case requires, is that we must inevitably touch upon matters of very grave importance. The feeling of the country and the feeling of the army has demanded this inquiry; the House of Commons has granted it; and it will depend upon the gentlemen by whom the investigation is conducted to take care that the public interest shall receive no injury, and that injustice be not inflicted upon individuals whose conduct must be canvassed before us. Now, I have no reason to distrust the discretion of hon. Members, but I submit that it may not be always desirable that Members of this House should have an indiscriminate right in any numbers, and at all times, to attend the investigations of this Committee. I know that occasions have arisen upon such Committees when a wish has been expressed that those hon. Gentlemen who were not Members should retire, and when that wish has been disregarded. I hope, therefore, the House will take these facts into their consideration, and that they will come to the conclusion that the evidence taken before this Committee shall not be made known before our investigations are complete and our Report is drawn up. This, as I have previously said, is the strong feeling of a majority of the Committee, and I cannot help hoping that, knowing this, the House will so far place confidence in the Committee as to concede what they desire.

SIR JAMES GRAHAM: Sir, on a former occasion the House was so indulgent as to listen with patience to many reasons which I thought it proper then to adduce against the progress of this inquiry; but the country having loudly demanded an inquiry, and this House, the representative of the public, having appointed a Committee to prosecute that inquiry, I bow to their decision, and it would ill become me to repeat or to refer to arguments which, at the right time, I offered in vain. I think rather that, occupying again a private station, it becomes me, as taking part in this deliberative Assembly, if difficulties have arisen, and if there should be any degree of danger in this inquiry, to offer my opinion freely as to the best mode of avoiding these dangers, and of conducting the inquiry upon which the House has determined. I therefore shall abstain from any further reference to the former debate, or to any of the arguments which I then used. It does appear, certainly, somewhat extraordinary that at the very first meeting of this Committee, composed only of eleven Members, of whom nine were present, and in whom the House has been called upon to place implicit confidence, a great difference of opinion should have arisen among them. So great is the difference of opinion that already a division has arisen among the Members composing the Committee. Upon the very threshold of the inquiry, on the very day the hon. and learned Gentleman (Mr. Roebuck) is voted into the chair, the Committee find themselves involved in such very great difficulties that really, in spite of all that has been said, it now becomes the duty of this House to rescue the inquiry from the disgrace of falling into the hands of a hole-and-corner Committee. Now, it is not a bare Report with which the House has been presented. Though terse, it is very pointed, and contains the reasons which have induced a majority of the Committee to make their recommendation to the House. It says that, in the opinion of the Committee, the objects of the inquiry will be best attained, injustice to individuals will be best prevented, and the public interests will be most surely protected, if the Committee be made a Secret Committee. Secrecy, in the opinion of the majority of the Members of the Committee, is the sure mode of prosecuting the inquiry in the most safe manner, of best protecting the public interests, and of most surely avoiding injustice to individuals. Now, Sir, with all respect for the opinion of the majority of that Committee, I demur to all their three reasons. I know that if this inquiry is to be prosecuted—and it is quite right that I should now assume that it is to be prosecuted—the public interest will best be promoted, the inquiry will best be conducted, and injury and injustice to individuals will be most surely prevented by the Committee not seeking the shelter of secrecy, but conducting the inquiry openly before the world. I stated on a former occasion—and I may just refer to it in passing, as I wish to guard myself against misapprehension—that I could not shut my eyes to the very considerable danger which would attend even publicity; but I know no ground, except the discretion of the Members of the Committee, why the inquiry should not be conducted under the eye of the public, for where danger to the public interests begins there the inquiry as conducted by them ought to terminate. That is the limit which ought to be fixed to the inquiry, and beyond which the public ought not to demand it to be pushed. With respect to precedents, I will not touch upon the ground taken by my right hon. Friend the Member for Midhurst (Mr. Walpole), further than to observe that all the precedents upon which he relies, if I mistake not, relate to great naval and military operations, which had been brought to a close before an inquiry was instituted. Certainly, with reference to these precedents, I do not remember that my right hon. Friend cited one in which a Committee of secrecy was appointed. The last inquiry was an inquiry at the bar of this House, in a public manner, at the close of the Walcheren expedition, into the conduct of that expedition. There was, certainly, attending that Committee of inquiry a Committee of secrecy, but it had no reference to the conduct of the officers employed, being merely a communication on the part of the Government of certain information which it was not thought expedient to lay before the public. In fact, this information formed no integral part of the inquiry, but was merely an appendage to it. Now, I must shortly remark to the House that it is important they should observe how different has been the view taken in the House of the composition of the Committee. By several majorities, and those narrow ones, the naval element has been excluded. Nothing could be more fair and honourable than the statement of the Chairman of the Committee as to the mode adopted with reference to the inquiry. The matter has been studiously and carefully balanced—balanced with reference to party, and balanced by agreement. Last night, by a small majority—I believe it is not irregular for me to name an hon. Member in reference to the appointment of a Committee of this kind—last night Sir John Hanmer was chosen, and he will probably form the pivot on which the inquiry may be said to turn. The hon. Member is selected as the makeweight in this Committee, holding, as it were, the balance of ingredients so compounded and so neutralised, that reason, truth, and justice are almost suspended. It is, therefore, of the very highest importance that we should take care that the sacred cause of truth and justice is not injured by an inquiry conducted by a Committee so composed. Nothing can be more true than what was stated by the right hon. Gentleman who has just sat down, as to the rule of this House with respect to Secret Committees. If this House adopts the Report of the Committee, and gives its fiat to secrecy, its whole power and control over the future conduct of the inquiry are gone, and gone for ever. There can be no appeal to this House on the part of any Member composing the Committee—there can be no Report except by the concurrence of the majority of this Committee of eleven. What was said by the right hon. Gentleman (Sir J. Pakington) is most true, with regard to these proceedings. I have great faith in publicity, as the great check where the cause of justice is at stake—and why is any tribunal here involving the conduct of public men, the character of admirals, of generals, and of statesmen, to be conducted on principles different to those which prevail in our courts of law? In our courts of law—life and property—and what are dearer than life and property—namely, the character and position of men in society,

daily become the subject of investigation before our tribunals, and it is the life and spirit and the very soul of justice that publicity shall pervade and check all these proceedings. The sacred cause of justice itself is promoted by it. Bystanders constantly afford the means of contradicting false evidence, or suggest the means wanting to complete evidence. This tends to promote the cause of truth and justice, and, if the same principle be adopted in a Committee of this kind, I am convinced it will have the same effect. I believe the object of the Committee is, to satisfy the desire of the public, that an investigation should take place. I believe that that desire on the part of the public is an honest desire to have the truth ascertained with a view of correctives being applied to mal-administration, and I do not believe that there is anything whatever vindictive in that desire. Perhaps the House will pardon me, if I say that we, the representatives of the people, acting upon the desire of the public, are influenced by somewhat different motives. Party feelings and party objects have mingled in our discussions in reference to this subject. It is impossible to deny it. It is patent on every side; the existence of those feelings, swaying even the judgment of the most honest men, will interfere, unless you take due precautions, with the justice of the investigation, and I know no check so strong as that the name of every person who puts a question shall be known to the public. His motives will be well understood, his words will be well weighed, and thus the salutary check of public opinion will be brought to bear upon the inquiry. I also conceive that the inquiry itself will be infinitely more guarded when every witness knows that what he says before the Committee is certain to be subject to the ordeal of publicity and the consequent ordeal of public opinion. Well, then, what is the assertion made by the right hon. Gentleman the Member for Droitwich (Sir J. Pakington). He has reminded you, and he has reminded you rightly, that, if you make this a Secret Committee, your power over the inquiry is gone, and it will depend entirely on the vote of a majority of that Committee—perhaps upon the vote of the one Member nominated last night—whether any questions that may be thought inconsistent with the secrecy required shall be expunged and altogether omitted. Indeed, I know no reason, if such injustice should sway a majority of the Committee why even extracts from the answers of a witness may not be given. The power of this House, Sir, in the matter will be gone, and it will depend upon the Committee whether they report the evidence at all, or whether they merely report the result produced on the minds of the majority of their body. Nay, even the proceedings of the Committee need not be reported to the House. You need not know who voted in favour of the Report, whatever it may be. It may be the report of only a single Member, and yet it will carry with it all the authority of a Report of this House. I am well aware that implicit reliance is to be placed on the honour of Members of this House. If the House decrees that the Committee is to be secret, I do not believe that intentionally any member composing that Committee will betray the secrets which pass in the Committee. But still, even if they keep a constant guard on all they say in public and among their friends, it must be remembered that witnesses will be examined over whom they can have no such control. The witnesses will easily ascertain, from the questions put to them, what is the tendency of the inquiry, and what are the feelings of the persons who question them, and they, not being placed immediately under your control, will infallibly disclose the proceedings of the Committee. Now, Sir, my belief is, that between No. 17 upstairs and Printing House Square a whispering-gallery will be established, which, day by day, will disclose to the public, in a manner that I think most exceptionable —namely, partially and imperfectly, what takes place before your Committee of secrecy. Now, Sir, I have an affection and a desire to maintain the character and the position of this House stronger than any other feeling which actuates me. That mace—that "bauble"—[*pointing to the mace upon the clerk's table*]—contended against the sceptre of the Stuarts and overcame it. In my time the Reform Bill was carried by a majority of this House, despite the opposition of a majority of the House of Lords. Now, Sir, I entreat this House well to weigh the consequences of a conflict with the press of this country. If the House embarks in that conflict—["Oh, oh!"]—I have before said that, with the permission of the House, I would express my opinion as a private gentleman in a deliberative assembly, amid great public difficulties, and that I would warn the House of what occurred to me as dangers to be avoided. Now, Sir, what I wish to say is this—that if this House does give an order of secrecy, and if that order of secrecy is constantly and deliberately violated, you will be lowered in public estimation if you have not the courage and the constancy to give effect to your decision. But, if you are going to enter into a conflict with the press of this country, you must gird up your loins and prepare for a serious struggle; and I warn you, that in that conflict you will not succeed unless you are backed by public opinion. My belief is that, if you engage in such a conflict, as matters now stand, you will not succeed. I will say more—that I think you ought not to succeed, because I believe that the public interests will not be promoted by your order of secrecy. Public opinion will be grossly violated by it, and justice to individuals will be placed in the utmost jeopardy. I have told you of the danger of your entering into an encounter with the press, without reason or justice on your side, and in violation of public opinion; but is there no other danger to be avoided? Have you considered your relative position with reference to the House of Lords? The House of Lords have, I believe, notified to you—at least, I saw the messenger here just now, though I am not aware whether his message has been delivered—that they have given their consent that one of their body shall attend the Select Committee of this House, if he should think fit to do so. You change the character of your tribunal. You convert it into a secret tribunal. Are you sure that the House of Lords will consent that one of their Members shall attend a secret tribunal? Your Committee now becomes, not a court of justice, not a court of inquiry, but an inquisition, composed of eleven inquisitors, five of whom have prejudged the question which will be mainly at issue before them. I know not what the decision of the House of Lords may be, but I warn you how you come into conflict with the press of this country and with the privilege of the House of Lords in such doubtful circumstances; depend upon it your position will be an unenviable one. I could, if I thought fit to detain you, multiply instances of many coming dangers which I foresee from your proceedings; but I think the two which I have mentioned incidentally, as lying on the very surface, are enough to warn you to be cautious in the proceedings you are about to take. If Ministers, admirals, generals, are to be tried—if their conduct is to be submitted to this ordeal—if further sacrifices be necessary—immolate, I say, in the face of day. Do not smother and stifle persons' reputations, which have hitherto stood the test of time, in No. 17 upstairs. Act as become the representatives of a free and generous people, who never seek concealment for their thoughts or for their actions. What they dare to do they are ever ready to avow. There are, perhaps, dangers in this inquiry. I shall not revert to them. I stated them at too much length on a former occasion. I am willing to intrust the inquiry to the eleven gentlemen to whom you have committed it, if you will keep over that Committee the convenient check of publicity. I shall look upon that inquiry with apprehension greater than I shall state if you should, in an ill-omened moment, come to the decision to-night that the proceedings of that Committee shall be secret. In that case I see dangers innumerable; I think the object for which the Committee was granted will not be obtained; and I entreat the House carefully to pause before they give effect to what I must consider a most injudicious recommendation.

Mr. LAYARD said that, when the question of the appointment of a Committee was brought before the House, he had felt it his duty to express his opinion that it would give rise to great inconvenience, and would shackle the Executive. The appointment of the Committee, as was well known, was carried by a large majority, and the Government themselves stated that they would accept that vote as a vote of confidence or no confidence. The House was, therefore, obliged to deal with the question as it was placed by the Government, putting aside its merits. Upon that vote the Government went out of office. If the question had been brought forward since the present Government had been in office, and if they had placed it on the ground of a vote of confidence, he would have felt little difficulty in determining in what way he should give his vote, for he could not say that either the House or the country felt much confidence in the existing Administration. He had entertained objections to the appointment of the Committee, because he did not think that the Executive Government could be carried on by men whose conduct was under criticism in a Committee room upstairs; but that objection had been removed by the retirement from the Administration of those members of the Government whose conduct had been impugned. The House having decided that inquiry should be prosecuted by a Committee, it was his duty to ascertain in what way that inquiry could be conducted with the greatest advantage to the public interests, and in a manner to secure the results which were expected by the country. He had been somewhat astonished to find that the two hon. Members of the Committee who had voted against the secrecy of the inquiry, were Gentlemen who had voted against any inquiry at all, and that, too, on the ground that the appointment of such a Committee would be a mischievous and dangerous proceeding. He supposed, however, that they had some reasons for thus ostentatiously showing the country that they were now voting against secrecy. He was still more astonished at the line of argument pursued by the right hon. Baronet (Sir J. Graham) and some other hon. Members. The noble Member for Totness (Lord Seymour) had asked whether any new facts had come to their knowledge? He (Mr. Layard) would at once reply, that new facts had come to their knowledge. The three right hon. Gentlemen near him had stated the other night that, if they were put upon their defence, that if this inquiry were prosecuted, they might be compelled to enter into very delicate matters, and to call in question the conduct of our Ally. They then expressed a strong opinion against the appointment of the Committee, but to-night, forsooth, the right hon. Baronet (Sir J. Graham) contended that the Committee should be an open Committee, and that all dangerous questions might be avoided, although it was only the other night that he told them they would have to enter into transactions which had taken place between the Government of this country and our Allies. One objection to the inquiry being an open one was, that it might affect private character, and that was, undoubtedly, a strong objection; but still that was not the objection which would influence his vote, for he looked rather to the question of danger to the public interests in connection with our relations with our Allies. It was said that secrecy was a novelty, but so was our alliance and union with France—the union of the two armies in one great enterprise was a novelty. There were three courses open to them. The first was, to prosecute the inquiry by a Committee open to the public. What was the objection to that course, putting aside any question with reference to private character? They talked about private character, but was our Ally to be criminated, either directly or indirectly, without having an opportunity of defending himself? A right hon. Gentleman had insinuated that we were not the guilty parties; he did not mean to say the right hon. Gentleman would throw blame on our Ally, but that was the inference which must be drawn, and we should then be in the position of carrying on the inquiry, our Ally not having the means of defending himself, without knowing to what mischief it might lead. These being his objections to an open Committee, they applied equally to a Committee at which the Members of this House would be allowed to be present. The country would not consent to a half-and-half measure; they would either have one thing or the other. This was a great question; it affected every man in the country; there was not a cottager who did not feel as deeply upon it as any Member of that House, and the public would not be satisfied if they were excluded when Members of Parliament were admitted. He wished to make no insinuation against any Member of that House, but he would remind them that Committees had sat before now to which Members alone had been admitted. Such a Committee sat last year, seriously affecting the character of some Members of the House, and what was the result? Why, the most scandalous accusations were spread abroad against those gentlemen whose conduct was the subject of inquiry. Would the right hon. Gentleman make no distinction between eleven Members, who were directly responsible to the House, and 600 Members, any of whom might come into the room, and who were under no responsibility at all? If the Committee were strictly secret, of course if anything transpired they would know exactly the persons who were accountable for it. Then, the right hon. Baronet the Member for Carlisle (Sir J. Graham), said the press would be against us; but he must say that was an appeal to a popular prejudice which the right hon. Gentleman ought to have avoided. His hon. and learned Friend had given notice of this Resolution last night, and, if the press had been so opposed to it, would not the press have spoken out upon the subject this morning, before the House could come to a decision? If the press took so deep an interest in the question—if it attached such importance to the inquiry being an open one—would not an expression of its opinion have appeared this morning in every newspaper? Would not a strong appeal have been made to the public, such as the leading papers knew how to make? Would not an appeal have been made to that House to reject the Resolution? But no such appeal had been made, and he regretted that the right hon. Gentleman was trying to get up a feeling upon the question for party purposes. The press had too high a sense of the immense interests at stake in this question, to cry out after a majority of the Committee had decided that it should be a Secret Committee; it had too deep a feeling of responsibility to compel the House by public clamour to adopt a measure dangerous to the public interest. The character of his hon. and learned Friend (Mr. Roebuck), who had for so many years been connected with the popular party, was sufficiently well known to be a guarantee to the public that the Resolution of the Committee had not been adopted upon light motives. No man had more to lose than himself (Mr. Layard) by having voted in its favour; but he would not be a coward. When he saw that an act of duty was necessary, he would perform it, and he firmly believed it was essential to the interests of the country that this should not be an open Committee. The right hon. Gentleman had repeatedly told them that they must rest their defence upon the conduct of our Ally; the right hon. Baronet has also used the expression that the inquiry must "run up" into our connection with France. If that were so, our Ally must either rest under the accusations made against him, although they might be calumnious, or the right hon. Gentlemen must be refused the means of justifying themselves, should the inquiry be an open one. He had, therefore, with great regret, and after mature deliberation, being fully aware of the ingenious arguments which might be urged by the right hon. Gentleman, who, he knew, would take the opportunity, if possible, to damage his character in the eyes of the country, arrived at this conclusion, but nothing would compel him to withdraw from the opinion he had formed. He had now stated his motives for voting in favour of the Resolution; he did not regret having voted for it, and he thought it his duty to stand by that Resolution.

Mr. H. HERBERT said, the hon. Gentleman who had just sat down appeared to him to have exemplified, by a circumstance that happened during his late visit to the Crimea, the absolute necessity of having this inquiry a public one. If he recollected aright there appeared in the papers an accusation by the hon. Gentleman the most galling and the most offensive that could be made by any one man against a gallant Admiral employed by this country. If he recollected aright, though, perhaps, he might be partially mistaken, there appeared to be a certain amount of mystery over the whole transaction; but it appeared an accusation was made by the hon. Gentleman against a gallant Admiral in our service, and he believed he made that accusation on the ground of having seen some letter, which letter he believed was made public, on which he put a construction which he thought justified him in making the accusation. Thanks to the publicity given to that letter by the press, the statement of the hon. Member went abroad, and it met the eye of the gallant Admiral who was accused, who immediately gave notice that he would have this accusation fully and publicly canvassed, so as to enable him to give it a full and public contradiction. Now, what was the result? It appeared that there were some other letters which had not been published, but there was published what appeared to him to be a retractation and an apology by the hon. Gentleman the Member for Aylesbury. Now let them apply that to this case. Might there not be some other letters, some other evidence that might be produced before the Secret Committee which would bring Members to come to a conclusion equally erroneous, but which the parties could not, in consequence of that secrecy, have an opportunity of contradicting. The right hon. Gentleman opposite (Sir J. Pakington) had stated that the people of this country and the army had demanded an inquiry. He should not stop to ask whether the army had demanded the inquiry, but of this he was certain that that gallant body of men would scout the idea of an inquiry into their case being made in secret, and of accusations being made in secret, however beneficial the result of the inquiry might be to themselves. If he had the high honour of being connected with any public office, with any command of the army or navy, he certainly should refuse to give a single answer to any question put to him by a Select Committee. He would throw himself on the generosity of the country; he would appeal to his countrymen, and he believed that appeal would not be in vain.

Mr. LAYARD: I hope, Sir, I may be allowed to trespass for a few moments upon the time of the House after what has fallen from the hon. Gentleman, and I appeal to the House to say whether it was good taste on the part of the hon. Gentleman to introduce a subject perfectly irrelevant to the question under discussion, more especially after I had done all in the matter to which he referred that, as an honourable man and a gentleman, I could do? The circumstances to which he alluded have been so misrepresented—for I have allowed myself to be made the victim of misrepresentation rather than bring the case before the public—that I entreat the House to allow me to tell them exactly how matters stand, at least so far as I am personally concerned. First of all there was no letter whatever from me in the public press, dated "from the main-top of the *Agamemnon.*" But there was a letter written from the *Agamemnon*, the ship in which I was then staying. Now what was the history of that letter? I had been travelling with a gentleman for nearly six weeks, and consequently living with him upon terms of the greatest intimacy. When he left me, a few days before the battle of the Alma, I agreed to write him an account of what was passing, as a friend, not as a gentleman connected with the press, although he was certainly connected with the press, but with that portion of it with which I had before been, if not upon hostile, at least not upon very friendly terms. For that gentleman I have the greatest personal esteem, and I entirely separated him from his profession. I wrote him two letters, which were sent by the same post—one of them containing various facts which might have been published by any one. At the end of it I added a short sentence to the effect "That he was at liberty to make use of the facts, but not to print the letter in full." There was no reflection whatever in that letter upon the character of Admiral Dundas. But there was a private letter attached to it—a letter most strictly private, most strictly confidential—in which those remarks were made that gave offence to the gallant Admiral. I have been unjustly accused of having betrayed confidence in making these remarks; but supposing even that I had intended them for publication, how far could that accusation be justified? What was their history? A captain in Her Majesty's Navy brought a letter to a table at which were present fifteen or twenty persons, civilians as well as gentlemen belonging to the navy. That letter was read publicly, and it contained an expression which led me to say in my private letter, that Admiral Dundas was rejoiced at the sinking of part of the Russian fleet. My letter was unfortunately published. The moment I heard of the publication of this letter I went to Admiral Lyons, at whose table Admiral Dundas's letter had been publicly read, and explained the circumstances to him. I also went to the gallant captain to whom Admiral Dundas's letter had been written, and said, "This is a most unfortunate thing, and I am ready to offer you an ample apology. I am not responsible for the publication of a private letter, and can only regret that a letter should be published which was not intended for publication." That apology—apology I will not call it, but that explanation—was accepted by that gallant captain. With Admiral Dundas I had no communication, as he was absent at sea, although I sent a message to him. When I came back to this country I was perfectly willing to do what I have since done. When an hon. Member opposite (Admiral Walcott) declared some some time ago that I had accused a British Admiral of want of personal courage, I was taken aback. So little did I believe that anything I had said reflected on the private character or personal courage of Admiral Dundas, that such an interpretation did not strike me as being possible. Sir, I would not accuse any Englishman, much more an officer of Her Majesty's navy or army, of a want of personal courage. Why, good God! from the highest to the lowest, every man in the navy is ready to display the highest personal courage. I was told afterwards that such an interpretation was attached to what I had written, but all I can say is, that I never meant to insinuate anything of the kind. Sir, I repeat that, so little did I conceive that such a construction was possible to be attached to what I had written, that it did not occur to me to do what I have been ready to do at any time since the matter was pointed out to me, namely, to give the fullest explanation here in my power on that point. However, various reports were circulated that some legal or other proceedings were going to be taken against me; and what was the course I took? I told the hon. Member (Mr. Drummond), who acted as Admiral Dundas's friend, that I was ready to give any explanation with regard to those words which had been construed into a reflection upon Admiral Dundas's personal courage or character, and that I would explain what I have now stated in any way he liked. Well, the moment the hon. Gentleman came to me I said, "I do not want any lawyer-like dealing. I hope Admiral Dundas is an honourable man, and that I am an honourable man. Let us take a pen and ink, and whatever you dictate to me as a man of honour I will sign." I had no wish to shelter myself under the plea that the letter was a private one. Well, I sat down and wrote at my hon. Friend's dictation the explanation which has been published. I said, "Take it, and say I was ready at first to do what I have done now." Admiral Dundas explained that he had said he rejoiced at the sinking of the Russian fleet, because the Russians had spared us the trouble of doing that which we were ready to do for them. I was willing to accept that interpretation of Admiral Dundas. [Mr. Drummond: The word "rejoice" was not in the original letter.] Well, that was the construction I put upon it. I accepted that interpretation, and wrote the letter that has appeared. I did then hope that no hon. Gentleman in this House would have taunted me any further on this subject. I may have shown some indiscretion in writing the passage in question in a private letter to a private friend, but I hope the House will believe that I have acted throughout strictly as an honourable man and a gentleman.

Mr. H. HERBERT said, he must beg to state, in explanation, that he did not mean to attack the hon. Member for Aylesbury; and if he had spoken warmly, it was out of regard to the gallant Admiral, his friend. He had only referred to the matter as illustrating the danger of such an inquiry as that before the Select Committee being conducted with privacy.

Sir BENJAMIN HALL said, he would confine himself to the subject under discussion, but he thought it a good opportunity to revert to the vote they gave on a former occasion, and which led to the appointment of this Committee. He was one of those who, without hesitation, voted against the inquiry, as proposed by the hon. and learned Gentleman (Mr. Roebuck). Now, that Motion was supported by the hon. Member for Aylesbury (Mr. Layard). He (Sir B. Hall) felt that if the

Committee was appointed it might lead to most serious and disastrous results, and might, perhaps, cause a disruption between ourselves and our only Ally, or rather, perhaps, our only sincere Ally. The hon. Member for Aylesbury said when he voted for the Committee he knew great inconvenience would arise from it, and that he did not vote for it as a vote of want of confidence in the Government, but the whole tenor of his speech was a vote of want of confidence in the Government, and he intimated that he never intended the Committee to be appointed. He (Sir B. Hall) considered this was one of the most disastrous votes ever given. If the House did not want the Committee, and had not confidence in the Government, why had they not the honesty and the candour at once to propose a vote of want of confidence? Instead of that they voted a Committee, and then said they would not let the public in to hear the proceedings. This was a proceeding which was not worthy of that House. He was thankful day after day that he had not voted for the Committee. Well, hon. Gentlemen said they never intended to have this inquiry; and his hon. Friend the Member for Finsbury (Mr. T. Duncombe), who was very fond of a little good-humoured mischief in that House, tackled the hon. and learned Member for Sheffield, and said, "Do you really mean to have this Committee, or is it a delusion?"—and the hon. and learned Gentleman said, "I do mean to have the Committee;" and if any one cheered him more loudly than another, it was the hon. Member for Aylesbury. [Mr. Layard: No, no!] The hon. Gentleman said "no;" then why did he vote for the Committee? What the hon. Gentleman proposed now was to have it a Secret Committee. He objected to the proposal to have the Committee a secret one; and when the right hon. Baronet the late First Lord of the Admiralty stated that it would be difficult to keep the proceedings from the public press, and said very truly that the press exerted a great moral influence in the country, and that it was unadvisable to interfere rashly with that moral influence, he was certainly surprised to hear the hon. Member for Aylesbury characterise the power of the press as a "popular prejudice." Who was there in that House who indulged more in that popular prejudice than the hon. Member himself? But the House had lately received a message from the House of Lords —and the right hon. Baronet (Sir J. Graham) had previously alluded to this fact—to the effect that a person holding the highest rank in this country would be called before the Committee. If he (Sir B. Hall) were placed in the position of the Duke of Newcastle, and if he had given his consent to appear before a Select Committee, and was afterwards informed that it was to be a Secret Committee, he would at once rise in his place and say that he would not go before that Committee and allow five or six Gentlemen to extract from his evidence whatever they might please, and place it before the House, perhaps in a very different light from that in which it should appear according to the tenor of the whole evidence. It was impossible to say what might happen as regarded the character of that noble Duke. Why was he to be called before the Committee, except in order that he might tell the whole truth as regarded the conduct of this war when he was Secretary of State for the War Department? That noble Duke might feel it his duty to give such evidence in order to exculpate himself as might place the blame very properly upon other shoulders than his own. Why, then, should his evidence be subject to be tampered with, or portions of it struck out, by some hon. Member? He hoped that, the House having granted the Committee, the inquiry would go on, and that it might be a full and searching inquiry conducted in the face of the public. If hon. Members who composed the Committee were afraid of the duties they had undertaken, and afraid of conducting the inquiry in the face of the public, he hoped they would have the courage at once to come down to the House and say so at once, and let the inquiry be either proceeded with in reality, or given up altogether.

Mr. G. BUTT said, he had supported the Motion of his hon. and learned Friend (Mr. Roebuck) because he was not satisfied with the conduct of the Government in respect to the war; but at the same time he felt it necessary and just that a Committee of inquiry should be appointed. Fully agreeing with those who said that the inquiry should be full and searching, he was at a loss to understand how it possibly could be satisfactory, as far as the public were concerned, unless it was made a public inquiry. He was certain the inquiry could never be fair or just to those concerned—whether high or low, that was immaterial—unless they knew the charges made against them, and could give evidence in exculpation of those charges during the course of the investigation. On these grounds, he had to oppose the Motion of his hon. and learned Friend that the Committee should be a secret one, and he did so the more reluctantly, knowing his hon. and learned Friend's sincerity. If any dangers attended the inquiry, they would be greater if it were secret, or half secret, than if it were full and open. He had never meant to say that the Duke of Newcastle had been most in fault in the administration of the war. If it were put to him, he would say that those Members of the Government were most in fault who had the most experience if they did not check what was wrong as they went along, and if they did not give their counsel in time. He would say it, with great respect for the noble Lord the Member for Tiverton, that he was in fault if he did not aid the Duke of Newcastle with his great experience and knowledge. He had intended his vote as a vote of want of confidence; but, if there were to be an inquiry, it was only fair and right it should be full and searching.

VISCOUNT PALMERSTON: Sir, I wish shortly to state the grounds on which I am adverse to the Motion brought forward by the hon. and learned Member for Sheffield. I confess that when this Motion was first announced yesterday my own impressions were strongly against it, but at the same time I wished to hear the reasons, if any, for the course that it was intended to adopt. I have listened with great attention to everything that has passed, and I am bound to say that I have not heard anything which in any degree tends to alter the opinion which I at first sight entertained in this matter. No doubt, when this Committee was first proposed, I felt the objections which have been urged by my hon. and learned Friend in his Motion to make this Committee a secret one. I felt that it was possible—and I stated so to the House—that it was very likely, that in the course of the inquiry there might arise matters involving in danger the relations that so happily subsist between us and our great Ally, but the House overruled this consideration. It was stated not only by me, but by many others, that this evil might arise out of the investigations of the Committee; but the House, with the full knowledge of this probability determined twice, nay thrice, that the inquiry should be prosecuted. I stated, when the question was as to the naming of the Committee, that, in my opinion, it was not desirable that we should fetter their inquiries. I thought if you succeeded in selecting men of prudence, discretion, and knowledge of business, the best way was to place confidence in them, and not attempt to fetter their inquiries by any instructions from this House. Upon the same principle, I would not impose upon them the restriction of secrecy. There are cases where a Secret Committee is desirable. If you have to lay before a Committee documents involving matters which, although of great importance for the purposes of inquiry, nevertheless cannot be made public without great inconvenience to the public service or danger to individuals, there is a reason why the Committee should be secret, and also power in the Committee to maintain its secrecy. If you have to examine witnesses, such as bankers and others, touching their own affairs, with regard to which knowledge is requisite to the Committee, delicacy and good faith towards the witnesses render it necessary that the evidence should not be made public, and at the same time, as it is their interest to keep it secret, that secrecy is maintained. But where you are going to examine witnesses touching matters with regard to the secrecy of which they have no interest whatever, although you may be confident the Members of the Committee will perfectly observe the secrecy imposed on them, there is no possible restraint on the witnesses. If they publish their evidence the Committee has the power of committing them, but the Committee has no power to prevent them stating in conversation the nature of their evidence; therefore, the secrecy which you desire to impose upon the Committee is a perfect nullity, and you do not accomplish the purpose, whatever it may be, for which secrecy is imposed. There is also this inconvenience, which has been fully and forcibly stated, that the public will never be satisfied with an inquiry of which they do not know the progress. They will think it a juggle. They will never be convinced that the House of Commons is really redeeming the pledge it has given, and the proceeding will be replete with injustice to those whose conduct may be made the subject of investigation. For these reasons I shall certainly give my vote against making this a Secret Committee.

MR. DISRAELI: Sir, if there is any measure upon which the House of Commons should hesitate before they give it their sanction it is the appointment of a Secret Committee. There is only one instance, since I have had the honour of being a Member of this House, in which a Secret Committee has been proposed, and I felt it my duty to resist that Motion. It was on a subject of great interest, and which had produced considerable excitement in the country, namely, the conduct of the Post Office in regard to the opening the letters of foreign refugees. The conduct of the Government of Sir Robert Peel about the year 1844 was, in that respect, called in question, and a Select Committee was proposed by the hon. Member for Finsbury (Mr. T. Duncombe) to inquire both into the circumstances and, if my memory does not deceive me, into the law of the question. I remember that one of the most distinguished Members of the House, a Member of Her Majesty's then Government — who, though himself not personally responsible for the act called in question, was responsible, I believe, through fulfilling the duties of an absent colleague —declared his opinion on that occasion. The right hon. Gentleman the Member for Carlisle (Sir J. Graham), who has informed us to-night that he is only to be looked on as one retired into private life, has favoured the House with his instructing and guiding remarks on this subject; but, if I recollect rightly, the line then taken by the right hon. Gentleman was, that if a Committee of inquiry was to be a searching Committee it must be a Secret Committee. That was the position which the right hon. Gentleman at that time enforced upon the House, and, not satisfied with enforcing it, he moved an Amendment to the Motion of the hon. Member for Finsbury, that the Select Committee of inquiry should be a Committee of secrecy, and the House agreed to the appointment of that Committee as a secret one. It is not for me, Sir, to enter into a discussion whether that was an occasion which did or did not justify the appointment of a Secret Committee; but, as a considerable interval— upwards of ten years—has elapsed, it may be interesting for the House to know— and I say it on the authority of the Members of that Committee—that not one single tittle of evidence given before that Committee has ever transpired. It was, of course, the wish of the House that it should not transpire, and I mention it as an answer to the right hon. Member for Carlisle, who now says that such a Committee cannot keep its secrets. Here is a very great authority that if you would render an inquiry searching it should be secret, and the authority, in my mind, obtains double weight from the speech with which we have been favoured this evening by the right hon. Gentleman. The right hon. Gentleman has indulged in a style of rhetoric of which he is a great master, and which he knows how to employ on an occasion like the present. It may be described as the oratory of terror. He readily accumulates every possible contingency of menace that can occur, every probable or improbable danger, to influence the decision of the House. I hardly remember an occasion when the right hon. Gentlemen has not taken up that mace and knocked down the House of Commons. This is the third or fourth time he has appealed to "that bauble," and attempted by menacing allusions to influence the decision of the House. Now, Sir, my opinion is, that whether this Committee be secret or only select, it will be an extremely beneficial inquiry, and I do not anticipate, whatever may be the decision of the House as to its form and method, that any of those dangers that are anticipated will ensue. I observe that every Member who has opposed a secret inquiry also opposed the original inquiry, and that has made me look with considerable suspicion on the opposition which has been offered to the Motion of the hon. and learned Member for Sheffield. Nor can I admit the argument of the right hon. Gentleman (Sir J. Graham) to be valid, that a court of justice should never be secret, because in our present system of jurisprudence we have a precedent for secret inquiry in the action of a grand jury. It has been urged that it is quite impossible to maintain secrecy, which is the object of this Motion. I have already alluded to an instance in which secrecy has been observed. But I cannot conceal from myself that the nature of this inquiry is of so multifarious and so comprehensive a character that the difficulty of securing secrecy is proportionately increased. Nor, Sir, can I understand how you can draw a line between the admission of what is called the public and the admission of Members of this House. If Members are admitted, and the public not admitted, probably we shall only have garbled, where otherwise we should have complete and impartial versions of the proceedings. I do not, for a moment, credit that if this were a Committee of secrecy, I have such confidence in the common sense and honour of a Committee of the House of Commons, chosen under these circumstances, that I do not believe that secrecy would be violated. I believe practically you might, by establishing an absolute Secret Committee, by excluding the public and Members, obtain the object sought for by this Motion. But, against some convenience which would no doubt be experienced, there are great disadvantages which must be incurred if an inquiry of national interest and importance in which the opinions and feelings of the country are centred, and which may be prolonged to a considerable extent, should be carried on in a manner to excite suspicion and distrust in the public mind. I think that the balance is in favour of public inquiry. I do not myself anticipate those dangerous consequences to the maintenance of a good understanding between ourselves and our Ally which have been so frequently and so needlessly, I conceive, put forward. My trust, I repeat, is in the discretion and ability of those who guide and conduct this inquiry. I do not see those difficulties, which have been admitted too easily, in carrying on this investigation with persons possessing those qualities of prudence and caution which I hope are the characteristics of a Select Committee of the House of Commons. What, then, will be the main inconveniences which will accrue from this public inquiry? There may be some. I do not for a moment pretend that there are not objections to either course, and disadvantages which belong to either system which we may adopt; but I think the balance of advantage greatly in favour of adhering to an open inquiry. And, Sir, though it may be for the personal convenience of Members, which has been alluded to by the noble Lord the Member for Totness (Lord Seymour), that the public generally should not be admitted, and certainly that discussions of this kind should not be carried on under the influence of clamour and excitement, still I think it advantageous, if we have a public inquiry, that means should be taken that the result of that inquiry should go before the public in a complete and impartial manner. If the House should decide that this shall not be a Secret Committee, I think it is also bound to take means to insure that the Report of the proceedings of the Committee shall be full and authentic.

MR. DRUMMOND: Before addressing myself, Sir, to the question before the House, I wish to bear testimony to the faithful accuracy with which the hon. Gentleman near me (Mr. Layard) has narrated what passed on a subject of which I hope we shall never hear more. I am not one of those, Sir, who plead guilty to having given a factious vote with regard to the appointment of this Committee. I did not vote for one thing and mean another, for if it had been a plain and simple question of overthrowing the Government I should have voted for the Government. There was one consideration alone which possessed my mind—and after due deliberation I hope I shall not be accused of too great obstinacy in holding to it still—and that was—what would have been the effect upon the minds of our soldiers in the Crimea when they were told that an inquiry into the causes of their sufferings being asked for, this House had refused to make it? The instruction which I have placed on the paper shows the objects to which I consider this inquiry ought to be confined; but I see plainly there are heads quite as wise as mine on the Committee, and I see, likewise, I cannot have everything my own way. There is no danger that I can perceive in making this simple inquiry, "Why, at this day, have we voted 4,000 horses to go to the Crimea when there is not a morsel of hay for them to eat when they arrive?" Here you go on night after night voting supplies for the Crimea, while every newspaper tells you that your men are starving as soon as ever they get there. I am very suspicious of the words now so often used, "a full and searching inquiry;" and I observe that every person who uses them connects them with a fear of danger to our alliance. Well, I am not particularly enamoured of that alliance, and I very much doubt whether the people of England know what it is. Indeed, I doubt very much whether it is an alliance. I have heard, certainly, of a live man being chained to a dead one; but I do not know whether that was called an alliance or not. When the time comes —perhaps before this Session is over—I may think it my duty to state plainly to the House and the country what I suspect the nature of our alliance to be. I do think it is very necessary that some measure should be taken to prevent this Committee going into what hon. Gentlemen have to-night talked of inquiring into—the whole policy of the war, and our naval and military proceedings. I would have them all excluded. The right hon. Baronet behind me (Sir J. Graham) has detailed to us the advantages of an open Committee, and he has talked at the same time of that awful thing—the press. It is just because of this cowardly cringing to the press that I fear this open Committee. I know that men, thus placed as it were in the presence of the public, will be pushed to ask questions which otherwise they would never have thought of, and these are not the men who in old times would have wielded "that bauble" (pointing to the mace) against the House of Stuart, from whom there was real danger. Now-a-days, Sir, the danger is exactly from the opposite side, and no man dares to do his duty and rise up against it. But of all the cringing baseness which has ever appeared in English history, commend me to the conduct of the Liberals towards the daily press.

Mr. ELLICE said, that, although the right hon. Gentleman the Member for Buckinghamshire had endeavoured to lead the House to view with suspicion the fact that those Members of the Committee who desired that it should be an open Committee were exactly those who had originally voted against the appointment, yet he could assure the House, both for himself and his noble Friend near him (Lord Seymour), that they still adhered to that vote, and would repeat it were the occasion to occur again. That, however, was a very different thing from asserting that the public had no right to demand a full and searching inquiry into the maladministration of the army in the Crimea; on the contrary, he considered it absolutely necessary that some such inquiry should take place, when the operations in that country were over, and when it could be conducted without danger to the public service. He had always protested against the doctrine that this Minister or that Minister was to blame. So far as the Ministers were concerned, all were equally to blame; or, if one more than another, it was those who, doubting of the policy and the measures which were being pursued, delayed to insist upon the adoption of a different course. He must say that if there were any two Members in that House who had almost expected the evils which had resulted, although perhaps not to so great an extent—who had less cause to be surprised at the maladministration and mismanagement of the army departments—it was himself and his noble Friend near him, who had been engaged in so many inquiries into military subjects, and who too clearly foresaw the results which would occur from the neglect of the Government to establish a War Department which should be responsible for the whole administration of the army. With respect to the wish expressed by the majority of the Committee, for making this Committee a secret one, it would have been better if the example of other great Committees appointed to consider important matters had been followed. For instance, the Committee appointed to inquire into the administration of the Ordnance, the Army and the Navy, which sat three years, did not admit the public, because it would have been inconvenient to carry on discussions in the presence of the public, nor did it publish the evidence day by day, because that would have been unfair to the parties concerned, but Members of the House were admitted, and the evidence was reported from time to time whenever it was thought that one portion of the subject was complete. He had no objection in the abstract to the admission of the public, but he doubted whether it were feasible. Look at the number of persons whose feelings, interests, anxieties, and sentiments, would be engaged in the proceedings of the Committee, and who would be ever watching its movements and discussing the transactions about which that Committee would be inquiring. If partial publication of the evidence should get abroad it might seriously affect many, and no one would be able to calculate the consequences. He should certainly consider it the duty of the Committee to report to the House as often as any part of the evidence should be considered complete, and give so much of the evidence as might be fairly made public. Many of the subjects that would come before the Committee would not bear the character of secrecy. For instance, the hon. Member for Aylesbury (Mr. Layard) would no doubt be called as a witness. That Gentleman had been to the Crimea, and he could give a statement of facts that would be highly interesting to the public. There could be no secrecy required on such matters. Again, the great misery, wretchedness, and ruin, he might almost say, that had befallen their troops in the Crimea could be no matter of secrecy, neither could an inquiry into the causes of those calamities, and why they were not mitigated or prevented. But when they came to inquire into the policy of the war, and of the expedition and joint operations of the English and French armies, then the Committee would be approaching subjects which would require to be handled with the greatest caution and deliberation; but he, for one, should avoid as much as possible touching on those subjects. He was of opinion that if the inquiry had been limited, and the Committee had been specifically directed to ascertain the state of the army at Sebastopol, and why timely supplies of food, clothing, and other necessaries had not been made to it, the wishes of the people out of doors would have been fully met. It was his desire that there should emanate from the Committee such a Report on the state of our military administration as should force upon the House a sense of the all-important duty of bringing the whole affairs of the army under one sole and central direction. So far as the present Government had gone, he gave them credit for their policy, and placed confidence in them for the first steps they had taken. But having had great experience on the subject, and having watched the changes that had been made for many years past, his opinion was, that unless the Minister was made responsible for all appointments in the army, and was placed in superiority over the administration of the Horse Guards, very little good indeed would be done. It was twenty years since he was appointed Secretary at War, and he took the office upon the condition that a Committee of Inquiry into the details of the expenditure of the army should be appointed. On that Committee sat the late Sir Robert Peel, his right hon. Friend the Member for Carlisle (Sir James Graham), Lord John Russell, and Lord Hardinge. The Committee unanimously agreed to recommend to the Crown that no staff officer either at home, in India, or in the Colonies should hold his appointment for more than five years. The House would scarcely believe it that that Resolution up to the present day had never been acted upon. He was a Member of the Committee appointed last year to inquire into the question of promotion in the army, and he then asked whether the system of appointing staff officers had been changed, and he found that up to that time no change had taken place, and that the persons holding those situations had been considered as tenants for life. Why should that be? Why should such men as Sir Willoughby Gordon and Lord Raglan hold those appointments for thirty or forty years, and other officers not be allowed to have the chance of gaining the experience which such appointments would enable them to do? One word more before he sat down. The House had recently sustained a great loss in the death of Mr. Hume. He would entreat those hon. Gentlemen who were younger than himself, and who had more time to devote to these subjects, to tread closely in the steps of that excellent man. This war, he doubted not, would soon be at an end; and when it came to an end it would be more than ever necessary to turn their attention to the military establishments of this country, and more especially to the particular subject to which he had called their attention, namely, the administration of the Horse Guards. Unless the Minister of War was backed by that House in insisting upon regulations being established which were suited to the times in which they lived, and in going a little further forward than the old routine of the last fifty years, it would be a never-ending subject of discontent in this country, and the people would fairly say that the House of Commons had abandoned their duty.

Mr. ROCHE said, that having been one of those who had the courage to vote against the appointment of this Committee, he had listened with great pleasure to the debate, because every hon. Member who had spoken had used arguments which justified those who had voted against it. It appeared to him that the House was in a greater difficulty than ever. The Government were constitutionally responsible for such an inquiry, as their acts might be impugned; but a Secret Committee, with power to publish only garbled or imperfect reports, could afford to laugh at the public. The hon. and learned Member for Sheffield (Mr. Roebuck) had said that the whole subject to be considered was appalling. He would ask if anything which had occurred in the debate had tended to give fresh courage to the Members of the Committee who would have to approach that subject? He contended, then, that the investigation ought to be undertaken by the Government. The inquiry ought to be full and untrammelled, and how that end could be attained by an irresponsible Committee he was at a loss to conceive.

Mr. J. BALL said, it was clear that the House were about to give a decided negative to the proposition of the hon. and learned Member for Sheffield; but he was of opinion that no amount of discretion could prevent danger to the interests of the country arising from the investigations of the Committee, for they would not be able to avoid raising questions which would involve charges against persons who were 3,000 miles away; and it might so happen that, at the very moment these charges were being brought forward the subjects of them might be struck down while in the service of their country. If the proceedings of the Committee were to be public, the responsibility would rest upon the House alone, and especially upon its leaders, for both the noble Lord at the head of the Government and the chief of the Opposition in that House were in the position of men who, standing at the helm of the vessel, saw breakers ahead, and would not interfere.

Mr. BENTINCK said, he was anxious to state the grounds upon which it was his intention to vote against the Motion. On a former occasion, he had stated that he fully appreciated all the dangers which might be incurred in consequence of the indiscreet prosecution of this inquiry, but such an inquiry having been resolved upon he thought it would be utterly impossible to prevent the secrets of the Committee from transpiring in some form or other, and the only way to prevent those secrets being communicated through improper channels, and published to the world in a garbled manner, with equally injudicious observations and results, would be to have an open inquiry. In all probability, if the hon. Members composing the Committee acted under the knowledge that their proceedings would from day to day be submitted for the consideration of the country, they would be more discreet in their questions than if the inquiry were secret. Another reason why the proceedings of this Committee ought to be public was the deficiency of the naval element in its constitution. He was still of opinion that, considering much of the inquiry would be upon nautical affairs, the Committee—and he said it with great deference to the ability and capacity of its Members—would be incompetent to deal with many of the subjects which would be brought before it. On these grounds, in his judgment, it was of the utmost importance that the investigation should be public.

Mr. T. DUNCOMBE said, that on the occasion of the debates respecting the appointment of the Committee, from the pertinacity with which the Members and supporters of the Government had persisted in stating that they considered the Motion nothing but a vote of censure, he smelt a rat. It was his opinion, that if they could possibly have avoided it the Government never would have consented to the inquiry, and he was confirmed in that opinion by the subsequent remarks which had fallen from the noble Lord at the head of the Treasury. He had, therefore, on that occasion asked the hon. and learned Member for Sheffield whether he was in earnest and would prosecute the inquiry? The hon. and learned Gentleman answered that he was in earnest and come what might he would prosecute the inquiry. Now he begged the House to observe that not one word was said in the Motion about this being a Secret Committee. The secrecy of the Committee was certainly advocated by those right hon. and hon. Gentlemen who opposed its appointment, but he must say that, in his opinion, a greater triumph had never been exhibited over the arguments of those Gentlemen than had been exhibited during the present debate. What had the Committee already come to? Before any difficulty had arisen, they came before the House and told it they were incompetent to conduct the inquiry. The Resolution now before the House had been supported both upstairs and that evening by the right hon. Baronet the Member for Droitwich (Sir J. Pakington). That right hon. Gentleman was extremely candid at the time of the nomination. "If," said he, "I am appointed, I will certainly make the most rigid inquiry into the state of the army. I see no danger whatever in prosecuting this inquiry; but don't blame me afterwards if I am a sort of ferret upon the Committee." Not one word, however, did he then say about the propriety of its being a Secret Committee, notwithstanding he had so candidly told them the conditions on which he would serve upon it. If the Committee felt that their proceedings must be secret, and that they could not go on without, all the House had to do was to appoint another Committee. Nine other hon. Gentlemen could be got quite as good as they. They might be of opinion that the objects of the Committee could not be obtained without injustice being done to individual and public interests unless its proceedings were secret. But what was the ground on which the Committee was appointed? Was it not appointed in accordance with public feeling and opinion? And public opinion, he could tell the House, would not allow this inquiry to be stifled, evaded, garbled, compromised, or modified. Therefore if hon. Members did not like to serve upon the Committee, because its proceedings were to be public, the sooner they gave place to others the better. He contended that the object for which the Committee was appointed would be best obtained by publicity, and that less injustice would be done to individuals by the inquiry being made an open one. The late Secretary at War had been blamed among others for the disasters in the Crimea, and that right hon. Gentleman, while opposing the appointment of the Committee expressed his readiness to have his conduct investigated. Was, then, that blame to continue to rest on the right hon. Gentleman, and was he to have no opportunity of vindicating himself, and making known his vindication, if he had any, to the public? Then with respect to the Duke of Newcastle. In the course of his experience he never recollected any public man so loaded with obloquy as that noble Duke, and it was therefore only right that he should have the opportunity of going before the Committee, and that his vindication should be as public as the obloquy cast on him; but if, on the other hand, he had no vindication to offer, then let the obloquy rest on him. They must recollect the opinion that had been given by the noble Lord the Member for the City of London, and the correspondence that had been read, from which it appeared that great credit was due to the Duke of Newcastle for the manner in which he had discharged his duty; that it was the fault of the system, and that he was controlled by others. The Duke of Newcastle made another statement in another place, and the public generally thought that the statement made by him was perfectly satisfactory. He (Mr. Duncombe) had never heard that statement controverted in that House. Let the Committee publish the evidence they received, and he thought that the only instruction the House ought to give to the Committee was, that they should report from day to day, and thereby anticipate any perversion or any misrepresentation on the part of the public press or any one else, and justice would, in his opinion, be thus done to individuals. Then they were told that, somehow or other, the alliance with France might be jeopardised by the investigations before this Committee. Now, it was his opinion that the Committee had nothing whatever to do with any inquiry connected with our allies the French; but the people of this country, after sending 54,000 fine troops to the Crimea, and finding that only 14,000 remained there, wanted to know, as the hon. and learned Member for Sheffield asked on a former night, what had become of the other 40,000? They wanted to know who starved the troops, who refused them shelter, or misused them in any way, and why disease had so fearfully overtaken them. He confessed that his confidence in the Committee was somewhat shaken at seeing them so childish as to come down to the House, before any difficulty had occurred, and ask to have the Committee made secret. If, upon examining the Duke of Newcastle, that nobleman had objected to give his evidence unless the Committee were made secret, that would have been a reason for the Committee appealing to the House, but the Committee had examined nobody, and there was no apparent difficulty except a little squabble among themselves. Now it really was time that something should be done with this Committee, and one way of dealing with it would be to add to it some Members with firmness and courage enough not to trouble the House with such childish conduct. The wrongs and disasters to our troops, of which the people complained, had been perpetrated in the eyes of the world, and the inquiry ought to be conducted in the light of day. That was what was required of the Committee, and if the present one was not competent to perform their duty, the House must appoint another who would not come with a childish request to make secret a Committee the proceedings of which would be anxiously waited for from one end of the country to the other.

MR. NAPIER said, he thought the tribunal which the House had appointed was the best judge of the mode in which the inquiry should be conducted; and as the Committee, with a knowledge of facts which hon. Members generally did not possess, and after deliberation, had, as conscientious men, assured the House that it was necessary for the execution of their duty that the investigation should be conducted in secret, he felt bound to acquiesce in their decision, and he was the more inclined to do so when he saw some who had opposed all inquiry, and who were perhaps anxious now to render inquiry abortive, object to the proposition that the investigation should be secret. Though publicity, he admitted, should be the general rule, there might be exceptional cases like the present, where secrecy was requisite.

Mr. CROSSLEY said, he must deny that public feeling was in favour of this Committee, unless what appeared in the newspapers was to be taken for public feeling; but the public out of doors did not want the responsibility shifted from the right shoulders to the wrong. They did not want a Committee of that House to undertake the management of the war; but they expected the House of Commons to support a Ministry able and willing to carry on the war vigorously and to a successful issue, and to withdraw their confidence from any Administration not capable of such energetic conduct. He was quite sure that if the Committee were to sit with closed doors, and if, nevertheless, hon. Members generally were allowed to be present, reports of the evidence would be published from day to day in a most incorrect manner. If hon. Members were excluded, still statements would be gathered from the witnesses examined, and would be published in an equally incorrect style. He therefore said that if there was to be a Committee at all, it ought to be a public one. Let every question and answer be fully reported, and he was quite sure that the public would soon see that the object desired would never be attained by means of the Committee, and the war, to be properly managed, must be conducted by the Executive.

Sir HENRY WILLOUGHBY said, he thought it was the duty of that House to take care that the inquiry should enter a safe channel. They should tell the Committee not only what they were to inquire into, but what they were not to inquire into. They should ascertain why it was that, with the vast means at their disposal, and the vast expense that had been incurred, they had been unable to maintain the army that was sent to the East. That was a safe inquiry, limited to their own establishments and departments, and to their own people and officers. It would not be necessary even to make a run upon individuals. Nothing would be more unjust than to charge upon a few of the Members belonging to the late Government the exclusive blame of what occurred in the Crimea. The question of the policy of the war would be one for future consideration, but the immediate object of any inquiry at the present moment should be to explain the unaccountable disasters, arising principally from want of system. It would be an act of madness on their part if they did not give instructions to the Committee, and he trusted some person would take up the matter and have the Committee directed to make a simple inquiry on some plain and intelligible grounds. The real object of the House should be to find where the hitch really was, in order to reconstruct the departments, or at all events, place them in a more efficient state. It was quite clear that if they attempted to make the Committee secret, they would occasion evils of the greatest magnitude, and he should therefore join with the noble Lord the Member for Totness (Lord Seymour) in resisting the Motion.

Mr. BOWYER said, he understood that the proposition for a Secret Committee was advocated because the Committee would thereby be enabled to erase such portions of the evidence as in their opinion ought not to be published. That, at first sight, might appear to be a specious argument; but unless the public were to hear not only the truth, but the whole truth, they would not be satisfied. If any part of the evidence were omitted, the remainder would be worthless; for the part omitted might modify or explain the part placed before the public. He believed the difficulties of the investigation were greatly overrated. The proceedings in the Crimea had been fully canvassed in the newspapers and in that House, and they had not heard anything of blame or misconduct attached to their allies. On the contrary, everything that had become known showed that we had received from them the most valuable assistance, and that their services were of the utmost importance. There was no danger that anything could possibly be said in the investigations before the Committee that would offend the sensibilities of the French. If the Committee were public there would be less danger of anything indiscreet being said. Men would talk nonsense and say imprudent things in a Secret Committee, which they would not dare to utter if they spoke under the constant check of public opinion, and of the persons who were in their presence. The publicity itself would be the best security against the occurrence of anything that was urged as an objection against the publicity of the Committee. It was said that the public characters of the generals and other persons would be impeached, and that from day to day the proceedings would be made public, and that charges against them would appear in the public press; but if he (Mr. Bowyer) were one of those persons, he would much rather that those secrets, whatever they might be, should be spoken out publicly, than that things should be said behind his back without any opportunity being afforded to himself, or to his friends, to meet them. He had looked to the precedents on the subject, and he found there was no instance of a Secret Committee where charges were made, or to be made against public officers, except where there was an impeachment intended.

MR. ROEBUCK: Sir, as I think the proposal I made was one of an extraordinary nature, and the powers which I intended to ask the House to permit me to employ was equally extraordinary, and one which ought not to be placed lightly in any man's hands, I fancy the feeling which I find prevails throughout the House precludes me from going to a division. And as this measure is, as I have said, one of an extraordinary nature, it ought to be justified by the almost unanimous opinion of the House; and as I find the opinion is almost unanimously the other way, I suppose I must yield and proceed with the inquiry in the manner the House desires. I trust, however, that I may be permitted to say a few words in explanation of myself and my colleagues. The Gentlemen composing the Committee, I think, are all seriously bent on a thorough and searching investigation. Now, the hon. Member for West Surrey (Mr. Drummond) says, he looks with great suspicion on the words "thorough and searching investigation;" but I think the words explain themselves. They do not mean a wide field of examination, but a thorough and searching investigation, confined to the period and to the circumstances to which the inquiry refers. Now, Sir, as I found that a portion of my colleagues wished a thorough investigation, and as they believed that could only be obtained through the means of a Secret Committee, I (coinciding in that opinion) made the Motion which I have submitted to the House; and it is a rather suspicious circumstance, that a great majority of those persons who spoke against secrecy, are the very persons who voted against the appointment of any Committee at all. The arguments which they have used to-night are arguments against the appointment of a Committee, and those who opposed the Committee seem to consider the withdrawal of the present Motion a triumph in their favour. There is a homely phrase, that what is sauce for the goose is sauce for the gander, and the moral of that appears to have escaped the notice of the right hon. Baronet the Member for Carlisle (Sir J. Graham). What is good for him is good for me. I do not say who is the goose and who is the gander—but, in July, 1844, the right hon. Baronet had to face a proposition of the hon. Member for Finsbury (Mr. T. Duncombe), for a Select Committee to inquire into the conduct of the Post Office, in regard to the opening of letters. On that occasion the right hon. Gentleman moved an Amendment, and what was the nature of it? Why, that the Select Committee should be secret. And what grounds did he allege for that? He said—

> "I have stated, on a former occasion, that I do not think a revelation to the House of all the details connected with the exercise of this power would be conducive to the public good; and I retain that opinion. I do think that there must be an inquiry, not before a Select Committee, but before a Secret Committee, the Members to be nominated by the House."—[3 *Hansard*, lxxvi. 226.]

And there is another passage in which the right hon. Baronet said a full investigation could not be made before a Select Committee, but that a Secret Committee was absolutely necessary for a thorough investigation into a delicate question of this kind. Now, this is exactly the opinion of the Committee of which I have the honour to be Chairman. They felt they had to deal with a very delicate question, and that if persons, on being examined, were to say the evidence they were about to give would involve the public safety, they would be enabled to shelter themselves behind that statement, and thereby escape inquiry. Now, we wanted to take away that screen. It is because you wanted a strict and searching inquiry that we wished to take away from them the means of evading one. I believe that difficulty will arise, but I am not of that cowardly disposition spoken of by the hon. Member for Finsbury, who thinks we shall be totally incapable of conducting the inquiry. I believe the inquiry can be carried on, and I consider it will be most effectually carried on in the manner we have suggested; but still I believe an inquiry, such as the House desires, can be conducted, even in an open Committee. Now, a great mistake has been made with regard to this Secret Committee. It is fancied that the evidence will be given in darkness, and kept in darkness. No Committee could report to the House without the consent of the House being obtained, and that consent must be obtained by a Select Committee, as well as by a

Secret Committee. Therefore, in both cases the same course must be pursued. I should, as Chairman of the Committee, in both cases have to report to the House, and then bring up the evidence entire and complete. This inquiry, I believe, has already done good, and I think the Gentlemen who opposed the appointment of the Committee will be the first to assent to that proposition. As long as the Committee exists, it will be a spur in the side of the Government, and will incite them to those reforms which, if the Committee had not been appointed, would not have been proceeded with. Yielding, therefore, to the opinion of the House, I will, with their permission, withdraw my proposition.

Motion, by leave, *withdrawn.*

ARMY ESTIMATES—SUPPLY.

Order for Committee read.

House in Committee of Supply; Mr. Bouverie in the Chair.

(1.) 64,000*l.*, General Officers.

Sir HENRY WILLOUGHBY said, he wished to know from the hon. Gentleman (Mr. Peel), whether there were any Supplementary Estimates for the Army forthcoming, in addition to those now produced, and he would particularly wish to be understood as referring to the Land Transport Service.

Mr. FREDERICK PEEL: None others, excepting the Commissariat.

Mr. W. WILLIAMS said, he would take that occasion to ask whether the clothing of the army was still left to the colonels of regiments? On looking into the Estimates for 1853, he found that the clothing of the marines cost the country 17½ per cent less than the rest of the army, although the clothing of the marines was of a superior quality.

Mr. FREDERICK PEEL said, the colonels had superintended the clothing for the ensuing year, but that after this year the Government intended to take upon itself the clothing of the army.

Mr. PHINN said, he wished to inquire whether the Government had issued any general warrant regulating the promotion of general officers; and, if so, whether it contained a provision that any officer who had served six years as equerry to the Sovereign should be entitled to the rank of a general officer?

Mr. FREDERICK PEEL said, that the warrant referred to had been in the hands of hon. Members for some time. The hon. and learned Gentleman, however, mistook its effect. Any lieutenant colonel having served six years as equerry was to be promoted to the rank of colonel.

Vote *agreed to;* as was also—

(2) 55,000*l.*, Full Pay, Reduced, and Retired Officers.

(3.) 318,000*l.*, Half Pay and Military Allowances.

Mr. W. WILLIAMS said, he wished to call the attention of the Committee to the list of officers receiving half-pay. He found there were in it 108 cornets and ensigns, 788 lieutenants, 754 captains, and 178 majors. No officer ought to be allowed to go on half-pay with a low rank; if he wished to retire from the service, he should be compelled to sell his commission; that would relieve the country from a charge of from 200,000*l.* to 300,000*l.*

Mr. P. O'BRIEN said, he believed this was not an improper occasion on which to complain of a practice that had of late been most invidiously exercised—namely, the bringing in gentlemen from off the half-pay list to fill up the regimental vacancies, to the prejudice of those who had served for considerable periods in the army. He himself knew of cases where the claims of officers who had fought gallantly on the fields of the Alma and Inkerman had been thus overlooked in favour of those who were long distant from those scenes. He believed arrangements of that kind were most ill-considered.

Mr. FREDERICK PEEL, in reply to the observations of the hon. Member for Lambeth (Mr. Williams), said, that the half-pay list had been fully looked into at the Horse Guards, and that every officer capable of doing duty had been called on to accept of service in the East. He believed the consequent reductions in the list amongst the subalterns and captains amounted to 200.

Colonel DUNNE said, he thought the Horse Guards were perfectly right in adopting that course. But the fact was, many officers had been placed upon the half-pay list in consequence of the difficulty of finding regiments for them. It followed, therefore, that the authorities at the Horse Guards had acted most wisely and considerately, under the circumstances.

Colonel NORTH said, that not having had an opportunity of addressing the House last night on the discussion relative to the sale of commissions, he would wish now to observe, that if officers were to be deprived of the power of selling their commissions, the country would be saddled with a very considerable expense. His objection to the proposal of last night was, that it went to deprive men who had done good service to the State, of the power of retiring from the army, and maintaining themselves and their families at no expense to the country. The fact was, the moment a non-commissioned officer rose to the rank of captain, he immediately began to consider how he could raise a sum sufficient for the support of his family, and he therefore very properly decided on selling his commission, and making place for a younger man. Nor did the country suffer because a respectable non-commissioned officer realised a sum of 1,800*l.* or 2,000*l.*, as it might be; yet, by his vote of last night, the hon. Member for Lambeth would prevent such a man from rendering his family comfortable, and would place additional burdens upon the country.

Mr. W. WILLIAMS said, he was not so unjust as to suppose that any man who had paid for his commission should not have his money back again.

Captain STUART KNOX said, that the hon. Member for Lambeth had shown his ignorance of the service by the observations he had made. If the hon. Member admitted the justice of an officer being allowed to sell his commission, surely he must also allow persons to buy commissions.

Mr. W. WILLIAMS said, that undoubtedly if one officer sells, another must buy, but the officer who sells does not, in such case, come upon the half-pay list, and, therefore, does not burden the public.

Mr. OTWAY said, he believed nothing to be more just than that, when an officer had become incapacitated by wounds or disease, he should be allowed to retire on half-pay. If the rule laid down with regard to retiring upon half-pay were adhered to, he did not think that any one could object to the half-pay list.

Lord LOVAINE said, he must congratulate the army upon the accession of so powerful and able a supporter of the system of purchase and sale as the hon. Member for Lambeth. It was delightful to see, notwithstanding what had occurred on previous occasions, with what vigour the hon. Gentleman now supported the purchase and sale of commissions, and it would be very hard if Gentlemen who sat upon the same side of the House with him should oppose his views.

Colonel DUNNE said, he wished to ask the hon. Gentleman the Under Secretary for the War Department, if commissions had lately been sold by the Government, and, if so, what it was proposed to do with the money so received.

Mr. FREDERICK PEEL said, that in consequence of the augmentation which had taken place in the army, a number of ensigncies had been created, and a certain portion of them had been sold by the Government with the intention of investing the money, he believed, in Exchequer bills, for the purpose of reducing the half-pay list.

Colonel NORTH said, he must complain of a statement made on a previous occasion by the hon. Member for Lambeth. That hon. Gentleman had referred to a case of punishment in the 26th Regiment, and he had averred that the younger officers of that regiment, being on oath, had, in order not to displease their seniors, agreed to the sentence, which was afterwards carried into effect. Now, he would just state what were the facts of the case. The man was not tried by regimental court martial at all, but by district court martial, so that the officers of the 26th Regiment had nothing to do with the sentence. The crime for which the severest punishments were inflicted in the army was theft from a comrade, and this man had been not only guilty of that crime, but also of desertion. There was no extra severity used towards the man. When he was in the Prussian army, the captain of a company there was empowered, without court martial, but solely by his own free will, to inflict fifty lashes upon a soldier. There were other punishments practised in that army which would not be tolerated in this country. What he found fault with was this—the hon. Member for Lambeth was in the habit of inflicting the cruellest attacks upon the honour and character of officers, without previously making inquiries as to the truth of his impressions.

Mr. W. WILLIAMS said, he was always opposed to flogging under any circumstances. He denied, however, having cast any imputations upon officers. He had only read a statement respecting them out of a newspaper.

Mr. BELLEW said, that corporal punishment had been virtually abolished in the army, except for certain crimes which were looked upon as disgraceful, and he could not believe that the retention of this punishment, to the limited extent in which it was at present made use of, was at all likely to be injurious to the service or to society.

Colonel GILPIN said, he wished to inquire of the hon. Gentleman (Mr. Peel) whether the system of selling commissions on the part of the Government, which, so far as he knew, was an entirely novel system, was to be continued?

Mr. FREDERICK PEEL said, that the sale referred to took place before he had entered upon his present office, but it certainly was not intended to continue it, because it had exclusive connection with the recent augmentation in the army.

Colonel DUNNE said, he hoped it was not to be avowed as a principle in our army that the commissions arising from an increase of the army were to be sold. On the part of the army, he thought the practice a most objectionable one, and if it were repeated he should certainly bring the question before the House.

Mr. HENLEY said, he wished to inquire in whose hands the proceeds of the sale of these commissions were to be placed, and to the credit of what account they were to be brought?

Mr. FREDERICK PEEL said, he had previously stated that the sum received had been invested in Exchequer bills, and, it was at present understood, would be held for the purpose of reducing the charge on the half-pay list, which otherwise would be considerably swollen when the number of commissions now in existence were reduced upon the termination of the war.

Mr. HENLEY said, his question had not been answered. He wished to know in what office this money was—whether in that of the Secretary for War, or of the Commander in Chief?

Mr. FREDERICK PEEL said, he imagined it would be in the office of the General Commanding in Chief. Who the parties were in whose name the money was invested he could not state without inquiry.

Vote *agreed to;* as was also—

(4.) 32,707*l.*, Half-pay, Disbanded Foreign Corps.

(5.) 124,454*l.*, Pensions to Widows.

Mr. MAGUIRE said, he had not the slightest objection to make to this Vote, but he could not understand what reason there was why the widow and orphans of a soldier in the ranks should not be as much the object of consideration to the State, to which he had given his services and for which he had shed his blood, as the widow and orphans of an officer. If they wished to promote enlistment into the army, they were bound to hold out every reasonable inducement for that purpose. He was one of those who had done everything in his power to promote the success of the Patriotic Fund, which he thought honourable to the humane and beneficent spirit of the nation. At the same time, he thought the necessity of such a fund was a circumstance discreditable to our institutions and military system. Suppose we received in a few days news of 3,000 men more being killed and wounded, what was to become of their widows and orphans under the present system?

Colonel NORTH said, he quite agreed with the observations of the hon. Member for Dungarvan (Mr. Maguire), being unable to see the justice of providing for the widows and orphans of one class in the army and not for those of another. It was both mean and impolitic in a great nation like this, to send round a begging box, calling on the public to do that which he maintained the State was bound to do. They ought to have a statement made by some Member of the Government as to what was intended to be done with the sum collected from the public bounty. The disposition of the Patriotic Fund at the end of the last war had been very unsatisfactory, a surplus of something like 80,000*l.* having remained, which, he believed, eventually found its way to the National Debt Office. He could not resist bearing testimony on this occasion to the kindly sympathies and indefatigable zeal of Major Powys, who had provided for hundreds of women and children, who, but for his exertions and the liberality of the gentlemen associated with him, would now be starving in our streets, or pining their existence out in workhouses. He trusted Government would manage the fund in the most careful manner.

Mr. SHAFTO ADAIR said, that as a member of the Executive Committee of the Patriotic Fund, he fully concurred in the testimony paid by the hon. and gallant Member for Oxfordshire to the success which had attended Major Powys's exertions. With regard to what had been done by the Royal Commission, he could state that the Committee had, after much consideration, prepared a scale of relief for the warrant officers and sailors of the navy, and for the privates and non-commissioned officers of the army and the Marines, which would come into operation from the previous day—March 1. The Committee had been most anxious to meet the wishes of the donors, and with this view had thought it their duty, in the first instance, to provide for the widows and orphans of the classes he had mentioned. There would, however, be doubtless many cases of urgent necessity arising amongst the widows and orphans of commissioned officers, which, if the terms of the warrant permitted, the Committee would gladly relieve; and he thought if it were generally known that the Royal Commissioners were prohibited by the terms of the warrant from so appropriating any portion of the money, the public would contribute to a special fund, to be devoted to that purpose. He was glad to see that so much sympathy existed in the objects of the fund, not merely in this country, but in all parts of the world almost. That morning the noble chairman of the Commission had reported a large contribution from a number of Chinese gentlemen who were engaged in the Singapore trade, and a considerable contribution from Mahomedan families in the East Indies. He could assure the Committee that in the distribution of the money, the utmost pains would be taken to carry out the intentions of the contributors, and that none but fitting objects would be relieved, regard being always had to the immediate wants of the applicants.

LORD ALFRED PAGET said, he was desirous of knowing whether there was any intention that the widows and children of officers who died in the service should receive either the value of the commissions of those officers or any compensation in lieu of such value? It was said that there was not a colonel at Inkerman or Balaklava who had not from 8,000*l.* to 12,000*l.* hung round his neck. The meaning of this was, that if officers of that rank were killed in action those amounts would be sacrificed. The fact was, that an officer who gave the full price for his commission did not get more for his money than if he had invested it in London and North-Western Railway shares. He had a relative in the Guards in the Crimea, who was a widower with four children, who was present at Alma and Inkerman, and if he lost the value of his commission he would lose nearly all that he had in the world. A brother of his was in command of a regiment of cavalry in the charge at Balaklava; had he been killed in that action his widow would only have had a very trifling sum left for her subsistence. He thought it could not be known that cases of this kind existed, or some compensation would be given to the families of officers who died on service for the value of their commissions.

MR. FREDERICK PEEL said, he was most unwilling to say anything which might seem disparaging with respect to the claim of the private soldiers of our army to the gratitude of their country, but he must remind the Committee that during a time of war the compassionate feelings of the country were very deeply excited by the sacrifices and sufferings of our soldiers and officers, and that the Government were called upon to be liberal, and even profuse, in affording assistance to them and to their families. But if the Government yielded to this pressure, the consequence was, that at the termination of the war they were charged with being extravagant and forgetful of the economical interests of the country. It had been said that in this Vote there was a great anomaly, as it did not recognise the claims of the widows and orphans of private soldiers and non-commissioned officers, but that it recognised only the claims of widows and children of officers. Now, it should be recollected that no provision was made for the orphan children of officers, but that a liberal provision was made for the children of soldiers. The House had recently granted the sum of 23,367*l.* for the education and maintenance of the children of soldiers, and no less a number than between 800 or 900 boys were provided for. Hon. Members should remember that the subject was not so one-sided as they seemed to think. The principle of this Vote was, however, that of affording some compensation to the widows of officers who died in the service for the value of the commissions of such officers. If an officer sold out of the army he realised the value of his commission, and this Vote had been adopted in order that, when officers died in the service, their widows might receive some compensation in lieu of the value of their husbands' commissions.

MR. MACARTNEY said, he must remind the Committee that he had made a calculation of the loss sustained by the wives and families of officers who had died since May last, and he found that no less than 365,000*l.* had been lost to them by the war. It was therefore the duty of the Government to bring forward a liberal scale of compensation for the widows and children of officers. At present their means of living were severely scrutinised, with a view of cutting down the miserable pittance which they were entitled to receive. He hoped the Parliament of England would provide some compensation for the losses which were sustained in the country's service.

Mr. NEWDEGATE said, he could not help feeling, as he was sure every man felt, that a very great hardship was inflicted upon the widows and children of officers who sacrificed their lives in the service of their country. If an officer disgraced himself, then his commission and the value of it ought to be forfeited; but when he fell in battle, then provision should be made by the country for his widow and children. He, for one, would deprecate most sincerely the view taken that the widows and children of officers were entitled to participate in the Patriotic Fund, as that fund was not subscribed for them, but for widows and children of the non-commissioned officers and privates of the army. The country would expect that the fund should be strictly limited to the purposes for which it was collected. But he felt that it was a case of desperate hardship upon the widows and children of officers killed in battle, that at the moment when they were deprived of husbands and fathers they should be also deprived of the means of living. He thought that Parliament was bound to consider this hardship, and provide a remedy.

Colonel NORTH said, with regard to expending the Patriotic Fund in the way stated by the hon. Member for North Warwickshire (Mr. Newdegate), he might mention that Mr. Cunard gave 500*l.* upon the express condition that the widows of officers were to receive part. He felt that if any class ought to be benefited by the fund it was the widows and orphans of officers. He would do all in his power to press upon the Commissioners the necessity of giving some provision to the widows of officers.

Mr. OTWAY said, he wished to call the attention of the Committee to the case of the late Colonel Moore, who had met his death in a transport vessel *en route* to the Crimea. That gallant officer, who refused to leave the burning ship while one of his men remained on board, had paid 14,000*l.* for his various steps; and yet the pension which his widow received was only 90*l.* a year. He would like to see the purchase-money of officers' commissions returned to their families, in case of their death in the service.

Mr. BELLEW said, he was willing to provide for the widows of soldiers who had been killed in the service. At the same time he should like to see some measure for providing for the families of soldiers who died either in battle, or from disease, in the service of their country.

Mr. FREDERICK PEEL said, that such a measure would be a very fitting subject for consideration.

Mr. WHITESIDE said, he could mention the case of an officer not actually killed in action, but who died two or three days after receiving a wound in the trenches. Would not his widow and orphans have a fair claim to rank with those whose husbands and parents had died in action?

Mr. FREDERICK PEEL said, that the terms of the warrant would be relaxed to meet such cases.

Captain ARCHDALL said, having served under the late gallant Colonel Moore, he wished to state that, although his widow would only be entitled to a pension of 90*l.* by the regulations of the service, yet, considering his distinguished bravery and the mode of his death, the Government had raised the pension to 200*l.*, and the Queen had added another 100*l.* to that sum.

Viscount PALMERSTON said, he must request the Committee to consider what had been suggested by his hon. Friend the Under Secretary of War. At the present moment, when operations were going on, and when the generous feelings of the public were excited by the gallant deeds of our officers and soldiers, the national impulse was to deal liberally and generously in all those matters that concerned the families of the officers and soldiers of the army. Pensions for wounds, for widows, and provisions for orphans, were liberally made. But on the return of peace, Committees were appointed to inquire into the amount of the Army Estimates, and Reports were made as to the great and heavy amount of the charge. Government was then urged to pare down and diminish the provisions made in the moment of liberality, and the allowances made were taken away on the plea of an economical prudence. The House of Commons ought, therefore, to preserve the greatest caution not to embark in grants which might be irksome to the country afterwards to maintain, and which they could not, in good faith or without causing serious disappointment, take away or diminish. That applied especially to the proposition made for pensions to the widows of soldiers. What had just happened was an instance how these grants would increase. The first suggestion was to pension suitably the widows of soldiers killed in action. Then another Motion proposed that pensions ought to be given to the widows of all soldiers who died of disease in the service of their country, whether in time of war or of peace. He hoped these matters would be left to the discretion of the Government, because the Committee might feel sure that the Government shared in those feelings of gratitude for the services of officers and men which the country entertained. But it must be kept in mind that it was neither wise nor prudent—that it really was not conferring a benefit on any class—to grant one day what on a future day they would take away. In the last war there were a great many grants given, and afterwards narrowed and cut down by successive Committees and votes of that House. Of course that created great disappointment to the class to which it was applied. The grants to the upper classes might be so diminished, but if grants were made to the widows of soldiers, and not permanently maintained, great injury would be done to the service, and great disappointment would be created among those classes from which the army was recruited.

Mr. NEWDEGATE said, he trusted that, if an officer did that which caused him to lose his commission, he deserved to lose his position in society also. He was very happy when he saw an instance of a man expelled from a regiment when he had done that which deserved such expulsion. Such a course exalted them in the eyes of those whom they commanded.

Viscount EBRINGTON said, he was sorry to say that these commissions were given sometimes as a mere matter of patronage, while a fund might be created from such commissions wherewith to relieve the widows.

Mr. MAGUIRE said, he regretted to find that the noble Lord at the head of the Government had not fairly treated this matter. The noble Lord was afraid that if that House granted provision for the wife and child of the soldier, it would be cut down by the economists in that House. Now, he (Mr. Maguire) denied that any economist would cut down that which should be fairly given. The Under Secretary of War had remarked that the State did make a provision. Now, as far as he could see, it was more a matter of sale and bargain than anything else. It was a subject of the greatest importance, forced as it now was upon the mind of the country, and deserved to be brought prominently before the House; and if no other Member brought it forward, he should do so himself on some occasion before the close of the Session.

Vote *agreed to*; as was also—

(6.) 81,000*l.*, Compassionate List.

(7.) 31,787*l.*, In-Pensioners of Chelsea and Kilmainham Hospitals.

Colonel GREVILLE said, that the hon. Gentleman the Under Secretary for the War Department had stated that evening, in answer to a question which he had put to him, that the rate of pay, in the case of the clergymen of the Church of England and the Roman Catholic chaplains in the Crimea, was somewhat in proportion to the scale of living to which the clergymen of the two Churches were accustomed. Now, he wished to ask the hon. Gentleman what his idea was of the scale of living of the Roman Catholic chaplain to Kilmainham Hospital, for whom last year a salary of 50*l.* had been provided, but for whom no allowance was set down in the Estimates this year?

Mr. VANCE said, he wished to know how it was that, while there was accommodation for 300 persons in Kilmainham Hospital, provision was made for only 144 persons?

Mr. FREDERICK PEEL said, he was not aware why there had been an omission in the Estimates this year with reference to the salary of the Roman Catholic chaplain at Kilmainham. If that clergyman continued to discharge the same duties as last year, he saw no reason why he should not receive the same amount of salary.

Mr. WHITESIDE said, that the duties of the Protestant clergyman at Kilmainham were of a much more onerous description than those of the Roman Catholic chaplain.

Mr. SIDNEY HERBERT said, that while the Protestant clergyman at Kilmainham had no other source of income than that which he derived from the discharge of the duties connected with his office there, the Roman Catholic chaplain had, besides his salary, certain parochial dues.

Mr. BELLEW said, that the voluntary contributions of parishioners depended very much on the amount of attention from the clergyman, and the Roman Catholic chaplain of Kilmainham had very little time to give to external duties.

Mr. I. BUTT said, he wished to know if the rumour that it was the intention of the Government to reduce the establishment at Kilmainham was correct? The warrant of 1845 ordered that there should be four resident captains, and 700 in-door pensioners, in that institution. The noble Lord the present Secretary of War had, however, undertaken, upon his own responsibility, to make a reduction in that number some years ago. That order of the noble Lord had, however, been rescinded by a Resolution of that House upon a Motion which he about two years since had had the honour to propose. But the right hon. Gentleman the late Secretary at War had not acted in accordance with that Resolution, and the number of inmates in the hopital at Kilmainham had continued at the number to which it had been reduced by the order of Lord Panmure. He thought the right hon. Gentleman might be considered to have committed petty larceny in that respect, the original order having been little short of downright robbery. He wished, therefore, to learn what were the intentions of the Government upon the subject.

Colonel DUNNE said, that the present was a time at which, instead of reducing the establishment at Kilmainham, increased accommodation should be provided. It was perfectly clear that there would be, during the war, a great number of wounded soldiers for whom such accommodation would be found necessary.

Mr. FREDERICK PEEL said, that it was not the intention of Government to make any reduction in the establishment at Kilmainham at present.

Colonel GREVILLE said, that to give the Catholic chaplain at Kilmainham only one-fifth of the salary which was received by the Protestant clergyman, was not placing them in the same favourable position as that in which they stood in the Crimea, where their salary was one-half.

Mr. VANCE said, he would beg to ask, what was the meaning of the sum of 50*l.* on a former Vote if it was not for a Roman Catholic chaplain?

Mr. FREDERICK PEEL: That was for the widow of the Protestant chaplain.

Vote *agreed to;* as were also the two remaining Votes—

(8.) 1,188,589*l.*, Out-Pensions.

(9.) 38,700*l.*, Superannuation allowances.

House resumed.

MEMBERS' QUALIFICATION.

Mr. MURROUGH said, he would now beg to ask for leave to introduce a Bill to abolish the Property Qualification of Members of Parliament. He hoped that at that late hour (ten minutes past twelve o'clock) the House would extend to him the courtesy of permitting his Bill to be introduced without his making any statement in its support on that occasion.

Mr. W. WILLIAMS seconded the Motion.

Mr. MACARTNEY said, he trusted that no such courtesy as the hon. Gentleman had asked for would be granted to him. This was a very serious question, and he thought that it ought not to be considered in the absence of the majority of the leading Members of the Government. If it were advisable to introduce such a Bill, it ought to be proposed by the Government, and not by an individual Member.

Mr. HADFIELD said, he should support the measure. He thought there was no justice in having a qualification for Ireland and none for Scotland. He objected to a property qualification altogether, and believed that by reason of it many good men were excluded from that House.

Mr. HENLEY said, he thought that the Bill was part of the larger question of reform, and had better be deferred until the great measure which the Government had promised to introduce after the conclusion of the war. The question had so often fallen to the ground when left to stand by itself, that it would be a charity to refuse leave to introduce the hon. Member's Bill.

Colonel SIBTHORP said, he strongly opposed the Motion. He could not see, and never had been able to see, what good reform had done the country. Talk of genius being excluded from the House by the property qualification—give him property—give him men who, having property of their own to take care of, would take care of other people's as well. He only wished the property qualification were ten times greater, and then the House would be more respectable than it was. At present, we are a company without a shirt among us. For the House of Commons as a body he entertained a high respect, but there were those among them whom he could only look upon as belonging to the tagrag and bobtail of society. They were a sort of mixed company, and, if such a measure as that which was now proposed were adopted, the people of England would laugh at them and say they were only fit to be a set of scavengers. He had been a Member of the House of Commons for twenty-six years, and was sorry to say that he found it going down, and sinking lower in respectability every Session. Keep up the respectability of the House of Commons by property men, and the people at large would be more satisfied that their true interests were protected.

VISCOUNT PALMERSTON said, he certainly could not undertake to oppose the measure on the grounds which had been urged by the hon. and gallant Colonel. The hon. Gentleman (Mr. Murrough) had requested to introduce his Bill without prefacing it by any statement; now such a course was only allowed as a matter of courtesy, when any hon. Member brought forward a Bill, the provisions of which were unknown to the House. This was not a case of that sort, because everybody knew the nature of the measure which the hon. Member proposed. For his own part, he differed from the hon. Gentleman, for, although in Scotland no qualification for Members was required, that arose out of the Act of Union, and was an exception to the rule applicable to England and Ireland. He did not think there was any logic in an attempt to make the rule bend to the exception; but this was not the moment to enter into any detailed reasons why it seemed to him that it was not such a measure as it was desirable should be adopted. He would take the broad principle, that if any changes were to be proposed in the representative system of the country, there was an understanding that those changes should not be proposed now, but should be postponed to another period. On that ground, therefore, he should object to the introduction of the Bill.

MR. CRAUFURD said, he did not think there was much force in the argument of the noble Lord, that, because the practice which obtained in Scotland was an exception to the rule that was established in England and Ireland, therefore it ought not to be introduced into those countries. The question was, whether the non-qualification principle worked well in Scotland. He contended that it did; and if so, there was no reason why it should not work equally well in other parts of the United Kingdom. After the decision of the Barnstaple Election Committee, it was impossible to stand by the principle of a property qualification.

MR. WHITESIDE said, he could not concur in the argument of the hon. and learned Member, that, because the non-qualification principle worked well in Scotland, therefore it ought to be adopted in England and Ireland. The civil law no doubt also worked well in Scotland, but was that a reason why it should be introduced into this country?

MR. MURROUGH, in reply, said that the obstructive power of the House was very great in regard to such measures as this; but his only chance for this Bill was to press it to a division now. The hon. Member for Antrim (Mr. Macartney) had said that if they wanted a comprehensive system of reform they must look to the Government of which the noble Lord was the head; but he would ask any one who had heard that night the speech of that noble Lord, the *soi-disant* leader of a Liberal party, whether he could be so deluded as to expect large measures of Parliamentary reform from him. And how could the noble Lord have spoken thus, remembering that within his own Parliamentary experience Mr. Prinsep, the East India director, with far larger property than most of the Members of that House, and Mr. Wilberforce, at another period, were unseated on technicalities, and that there was a petition to Parliament, of the most vexatious description, against the Attorney General for Ireland, who was a member of his own Government? That hon. and learned Gentleman, at least, ought to step forward and assist in carrying this measure. He knew that Cabinets were often divided in opinion upon the question of Parliamentary reform; and some liberal members of the Government ought to support an independent Member in a Motion of this description. The Bill which he now proposed only followed that which was introduced formerly by an hon. Gentleman lately the Member for Devonport, and he did not ask the House to bind itself to the principle, but to allow the Bill to be brought in, and its details to be discussed.

Motion made, and Question put, "That Leave be given to bring in a Bill to abolish the Property Qualification of Members of Parliament."

The House *divided*:—Ayes 27; Noes 28: Majority 1.

SECRETARIES OF STATE AND UNDER SECRETARIES OF STATE (HOUSE OF COMMONS) BILL.

VISCOUNT PALMERSTON said, he would now move for leave to bring in a Bill to enable a third Secretary and third Under Secretary of State to sit in the House of Commons. By an Act of 6 *Anne*, and 15 *Geo.* II., no more than two Secretaries of State could sit in the House of Commons; and by 22 *Geo.* III. it was doubtful whether a third Under Secretary could sit in the Commons. There being now four Secretaries of State, it might be conducive to the public service if more than two Secretaries and two Under Secretaries of State could sit in the House of Commons.

Leave given. Bill *ordered* to be brought in by Viscount PALMERSTON and Sir GEORGE GREY.

Bill read 1°.

The House adjourned at One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, March 5, 1855.

MINUTES.] ROYAL ASSENT.—Consolidated Fund (£3,300,000); Consolidated Fund (£20,000,000).

EDUCATION IN INDIA.

LORD MONTEAGLE said, that in rising to move for the papers of which he had given notice, he was anxious to state the grounds which led him to bring these papers under the notice of the House. In all cases in which important changes had been effected in our laws or system of government, it behoved us to pause and to review carefully the working of our new measures in order to form a judgment of their success. This, though very generally true, is peculiarly so in a case like the present. He would remind their Lordships that Parliament had recently passed an Act which entirely remodelled the Government of India. It was into the operation of that Act in one of its most important parts, that he proposed to inquire; for the consequences of British legislation on Indian interests demanded the especial and constant care and superintendence of Parliament; for their Lordships would find, on looking back to the way in which former Acts of Parliament relating to India had been carried into effect, that many enactments, on which great reliance had been placed, and from which reforms of the most important character had been expected, in practice had been totally set aside by those who were charged with their administration; and this we have seen done almost as soon as these laws were passed. At other times we have seen them carried out in a manner which defeated the intentions of those who had framed them. He could cite many instances in illustration of this proposition. For instance, the Act of 1813, renewing the Charter of the East India Company, contained many enactments of great importance, some of which were practically set aside as soon as passed. The provision contained in that Act, which directed that an annual sum should be set aside and applied for the purpose of education in India, had been either forgotten or neglected by the East India Company, until, after many years, the fact transpired during the proceedings of a Commission appointed to consider the question of education; and it was not till then that the default on the part of the East India Company was even attempted to be corrected. Even then, it was done most reluctantly, and inadequately corrected. In the same way, under the Charter Act of 1833, that important clause, the 87th, passed distinctly with the view of opening the appointment to offices in India, without distinction of caste, colour, or birth, to all subjects of the Crown, had been repealed in practice. Another most important clause of the same Charter Act had also been set aside in like manner. An especial mode was prescribed for admitting persons into the civil service of the Company, and providing for their education at Haileybury. The candidates, it was true, were to be appointed by the nomination of the East India Directors, with the proviso, however, that three or four candidates were to be named for every vacancy, and the appointment should only be conferred on him who proved his competency after a fair struggle with his rivals, similarly recommended. This clause, also, had been totally set aside by the East India Company. Instances like these, he thought, established the importance that Parliament should inquire from time to time, and closely watch whether the laws which it passed were properly obeyed by public servants charged with their administration in a distant country, and who were neither under the eye nor subject to the control of the Home Government. He would now proceed to describe the papers for which he intended to move. The first was a letter written to the Government of India on the 15th of July, 1854, for the purpose of providing a general system of education for the people of India. The Act under which that letter was written had received the Royal Assent in August, 1853, nearly one year before. But he did not complain of the time which had elapsed between the date of the letter and the passing of the Act; on the contrary, he thought the late President of the Board of Control had acted most prudently in taking time for consideration. This was required both for communicating with the Court of Directors and with the authorities in India, whose concurrence no doubt had been obtained, before he drew up the Minute. Parliament was not informed officially to whom the great merit of this measure was due. The divided system left it in doubt whether it was attributable to the Company or to the Board of Control. He felt himself therefore free to choose, and therefore preferred to trace it to the hand of an old colleague and valued Friend (Sir C. Wood), late President of the Board. With respect to the document itself, he could not find words to express his sense of its importance, or his admiration for the able and statesmanlike manner in which it had been drawn up. A more interesting document, or one more honourable to the statesman who framed it, had never in his judgment been brought under the notice of Parliament. It left no part of the question of education in India untouched, and it dealt with every branch of the subject judiciously and effectually. He thought, moreover, that this document was of the utmost importance, as finally and absolutely disposing of a question which even in our own times had been in some quarters treated as a matter of considerable doubt—whether the education of the people of India was a task which England ought to charge herself with, or whether, on the contrary, it was to be viewed as an undertaking full of danger and peril to British supremacy. His opinion, he need hardly say, on the point entirely coincided with that of his noble Friend (Lord Glenelg), who, on one occasion, when the subject was brought under discussion, declared with generous indignation that if the dominion of England was to be maintained only by keeping the people of India in a state of ignorance and debasement, the sooner it was abandoned the better for all parties. The letter he now moved for, and the evidence on which it was founded, settled the question authoritatively and for ever. Besides, it is made clear that it was now beyond the power of those who opposed education in India to arrest it. The progress of education is now irresistible, and it is advancing and extending with great rapidity among the people of India. Sir Charles Wood, therefore, deserved the national gratitude equally of England and India, for having interposed at the time and to the extent he has done; realising as he has by this document a general system of education for the people of India. His plan is complete in all its parts, the highest as well as the lowest, from his scheme of rural or village schools, to collegiate establishments, and completed by an enlarged system of university education. With respect to the combined relation of religion and education, many persons who entered upon the last Indian Committee, did so with an impression that the Government of India and the educational authorities might be made instrumental in spreading the Christian religion among the Natives. He believed he might add, that all had left the Committee with the conviction that such connection would be detrimental to the interests of religion itself, would impede the progress of knowledge, and endanger the tranquillity of the British Empire in India. All who had considered the question were of opinion that it would be better both for the interests of education and the interests of religion, that Government should not be connected with the active propagation of any religion, which was to be left in much better hands—namely, in the assiduous and disinterested efforts of the missionaries. The Government was too powerful to undertake these duties without raising jealousy and suspicion. The masters of ten legions could never safely undertake the duties of Christian Apostles. He wished, on this subject, to obtain the opinion of the eminent man now Governor-General. It was probable that some correspondence had taken place, both previous and subsequently to the date of this Minute, and he trusted that, if such was the case, that portion of the correspondence to which there was no objection would be also laid upon the table. He moved for these papers in no spirit of hostile feeling—quite the contrary; but he was anxious to see how the suggestions of the President of the Board of Control had been received in India, and how far the Government of India was disposed to carry them out.

The next paper for which he was about to move was of a different description; and although there was much in it to admire, he regretted to say that he also found much from which he must withhold his consent. Their Lordships would remember that by the late Act the exclusive nomination by the Directors of the East India Company to the civil service was abolished, and a system of free competition and open examination established in its stead. At present this examination was for admission into the College at Haileybury, where a special education was provided and carefully administered for the civil service:—but it now appeared, by this paper, that it was proposed hereafter to put an end to the College at Haileybury, and to admit into the civil service candidates who passed a successful competing examination, substituting such examination for an established course of education and discipline. This, he thought, was a doubtful matter. By the Act of last Session the Board of Control was called on to frame rules under which these candidates were to be hereafter admitted to the civil service; and the Board had in consequence appointed a Commission on which were names of men entitled to the greatest deference and calculated to carry with them the strongest weight. These Commissions, of whom it was only necessary to name Mr. Macaulay and his hon. Friend now at the table of their Lordships' House, Mr. J. Lefevre, were called on to collect information and to advise the Government on this point. He confessed that he expressed any difference of opinion from such high authorities with great distrust; but he considered this paper, with respect to the open competition for the Indian civil service, to be liable to considerable objections, and as likely to act injuriously to the Natives of India, contrary, he trusted, to the intentions of the Commissioners. This was the more objectionable, inasmuch as he knew not in what spirit these rules might be carried out. If the intentions of the Commissioners were such as might be collected, not from their high character, but from the words of the paper for which he moved, they would go far to defeat the entire policy of last year. The point to which he referred was no less than the free eligibility of the Natives of India to political offices in the civil service. The words contained in the original Act of Parliament were clear enough—

> "that no Native of the said territories, nor any natural-born subject of Her Majesty born therein, shall by reason of his birth be disabled from holding any place, office, or employment under the said Company."

But we had witnessed an attempt made with but too much success to exclude Natives from the most valuable offices, by drawing a distinction between covenanted and uncovenanted servants of the Company; but no such distinction really existed in the Act, and no one had any right to create such a distinction. This violation of the spirit and the letter of the 87th section had been persevered in for twenty long years. The principle was now disclaimed, it is true, and abandoned. The noble Earl (Earl Granville) who had charge of the Bill repudiated it boldly and unreservedly. The declaratory clause which he (Lord Monteagle) had moved, setting the question at rest, was objected to, and withdrawn only as being unnecessary. But let Parliament beware lest one system of exclusion should be substituted for another equally fatal and equally hostile to Native interests. There were also other means of exclusion, which might be adopted under these regulations for the examination of candidates for the civil service; and he thought he should be able to show their Lordships that the course of examination was so framed—he would not say so intended—as to exclude the Native of India whilst admitting the European. There were two examinations of candidates; one for admission, and the other after a certain period of time had been passed in study, in order that the progress made by the students and their relative proficiency might be judged of. He very much feared that the effect of those examinations would be, that while the statute enacted that no man should be excluded by reason of caste, colour, birth, or parentage, that exclusion might be equally well effected by their course of examination. The proficiency of the candidate under examination was to be designated by marks of honour, of which the total number was 6,875. Of this number, however, 2,625 were given for the Latin, Greek, French, German, and Italian languages. He certainly did not think that the natives of England and the natives of India would stand upon an equal footing in this branch of examination; to call upon the latter to enter into competition with the former in respect to the dead and modern languages of Europe, was absurd, and not consistent with fair play. He had no doubt that under this course of examination the natives of India would be unfairly dealt with, if not excluded. It might, perhaps, be said that the natives of India enjoyed correlative advantages over Englishmen, inasmuch as they would have a superiority in the examinations in Oriental knowledge and languages. But this was very far from being the case. The vernacular languages of the East were omitted altogether, while Sanscrit and Arabic only were included. More than doubts, however, had been expressed by some of the most experienced men, whether any great advantage was to be derived from the study of those, the learned languages of India. The knowledge of the vernacular languages was of importance, but the other two languages, though useful to scholars in the same way that the Anglo-Saxon dialects were useful to scholars in England, were comparatively unimportant in the political administration of the Indian Empire. But, waiving this argument, presuming them to be important, there was an unfairness in the plan laid down, inasmuch as that, while in the course of examination 2,625 marks of honour were given to Englishmen for proficiency in the Greek, Latin, French, German, and Italian languages, only 750 marks, being less than one-third of the numbers, were to be given to the natives of India in respect to the Sanscrit and Arabic languages. That could not fail to operate in some cases as a most unjust exclusion of the natives of India from the civil service of the Company. Then there were to be 1,500 marks assigned to success in the examination in English. To this he did not object, considering it quite right that the Indian candidates should be exposed to the freest competition in our literature. But it was somewhat curious that the whole of the examinations in history were to be in English history, and that there was to be no examination in the history of India till the period of the second examination was reached, from which Indians might be excluded by the European characteristics of the first examination. He had already shown that, with reference to modern and ancient literature, the Hindoo and Parsee would not be admitted, unless honours were obtained to the extent of 2,625 marks in studies exclusively European, thus forming, as he believed, a practical exclusion. For mathematics, pure and mixed, and for natural and moral sciences, there were 2,000 marks, and to that there could be no objection—in these branches the European and Native might justly be placed on terms of perfect equality; but a general view of the case induced him to believe that, though the paper in which this scheme was laid down was prepared with consummate ability, the scheme for the examination paper was framed without the slightest possible reference to any one Native establishment, or the interests of any native of India. It is stated that the interests and the course of study at Oxford and Cambridge had been considered. What he complained of was, that the interests of the Hindoos and Mahomedan colleges had been forgotten or neglected. He might, however, be mistaken, and he could assure their Lordships that nothing would give him greater pleasure than to get an assurance from Her Majesty's Government that in the framing of those papers there had been no intention unfairly to exclude from the benefits intended for them by Parliament, any one of the Indian subjects of Her Majesty who should prove himself to be deserving.

There only remained one other subject to which he would refer. He had said that the noble Earl (Earl Granville) had been quite frank and unreserved in admitting that Lord William Bentinck's 87th clause did admit and was intended to admit Natives to the civil service, and that it was only a forced construction that would exclude them under the terms of that Act. He admitted, in a manner equally distinct and unqualified, that the same was the intention and import of the present Charter Act. This is now beyond all doubt and cavil by what has since occurred, and which has broken down once and for ever the distinction between the covenanted and uncovenanted service, and the consequent and unjust, if not illegal, exclusion of the natives of India. A very extraordinary illustrative case had since occurred which did great honour and credit to a native of India. It was the case of a young Indian of high caste, a Brahmin, who, having gone through a most successful course of instruction for the medical profession, both in India and in Europe, had, notwithstanding his high proficiency, been refused by the East India Company to be admitted as one of their civil servants. The East India Directors had been parties to Lord W. Bentinck's clause admitting Hindoos to all offices whatever, without reference to birth, religion, or caste; and yet they refused to confer an appointment on this gentleman, on the ground that the applicant for it was a native of India, and that the office which he sought, and for which he was pre-eminently qualified, was a covenanted office. This gentleman, however, whose perseverance and nobleness of heart in contending against the cruel opposition to which he was exposed, did him the highest honour, though compelled to return to India rejected and disappointed, was nothing daunted, and had, at last, succeeded in his object, and had been admitted under the new Act as a civil covenanted servant of the Company. This gentleman was Dr. Chuckerbutty. His history is most curious and instructive, and will, it may be hoped, serve as an encouragement to his fellow countrymen. At the early age of six or seven he had made great progress at a Native school in the Native languages. Struck with the appearance and evident superiority of a European who accidentally visited the village, the Hindoo child determined to learn English; and, accordingly, packing up his few articles of clothing in a handkerchief, with a small quantity of parched rice, he left his home and travelled on foot to a school at a considerable distance, where English was taught, and where, in consideration of his acting as cook, he received English lessons. He passed from school to school, and from progress to progress, till, at last, his talents having excited attention, an offer was made to him that he should go to England to complete the study of medicine. He accordingly went to England, at the hazard of losing his caste, of losing the favour of friends in India, and the future chances of promotion there. He entered upon a course of instruction at University College, London, and carried off gold medals and certificates of honour; and then applied for the appointment to which he was entitled, if the East India Directors had acted as they ought. He met with the generous and persevering support of Sir Edward Ryan and Mr. Cameron, who have now the consolation of being rewarded for the protection they gave to this noble-hearted Native. They sought to obtain for him an appointment of assistant-surgeon. That appointment was refused him; but he was not daunted; he went to the Continent, followed up his studies there, learned European languages, and afterwards returned to India, where he was appointed professor and lecturer in one of the many useful colleges that exist in the East, where he gained new honours. When he understood that by the Bill of last Session the obstacles which had prevented him obtaining the appointment he had applied for had been removed, he again sacrificed, or at least endangered, many important interests and everything that was dearest to him, and returned to England, not merely for the purpose of attaining the object of his own ambition, but of vindicating the right of every one of his countrymen to admission to civil employment under the East India Company. He held in his hand a letter from the Native gentleman of whom he was speaking, addressed to Sir Edward Ryan, in which he said—

> "You will see me soon in London, for I wish to compete for an assistant surgeonship there. I shall have to run many risks, but I will brave them. I will have to leave my family, my private practice, and my college appointment; in addition to which, my trip will cost me from 5,000 to 6,000 rupees, a sum I am ill able to spare, especially if I do not succeed. However, this is my last chance, for I shall be twenty-eight on my next birthday, after which age candidates are ineligible."

He added that "even if he failed, it would be a satisfaction to him that he had used his best efforts in the service of his country, and that it was only a physical difficulty thrown in his way which had been the cause of his disappointment and loss." He came over and succeeded; but he believed that meritorious man was indebted to the powerful interposition of the noble and gallant Viscount near him (Viscount Hardinge) for regaining, on his return to India, the appointment he had originally held there, but which, nevertheless, he would have been willing to relinquish in order to fight the battle of his countrymen. Nor was this the only favour which he owed to his noble and gallant Friend. It had been said that there existed in India a great jealousy on the subject of the admission of Natives to such important positions in the public service. But this was a mistake. He was enabled to prove by one conclusive fact that this was no such thing. He (Lord Monteagle) had a letter from India, signed by exclusively British-born subjects in Calcutta, including Mr. Colville, Judge of the Supreme Court, Mr. Allen, Vice President of the Legislative Council, Mr.

Grant, a member of the Supreme Council, several Judges, Mr. Goodeve, the distinguished botanist and geologist—a letter with which they presented Dr. Chuckerbutty with a purse of 100 guineas, in order to assist him to come home on the last occasion of his visit to England, for the purpose, it should be remembered, of entering into competition with English candidates. In that letter they express "the hearty interest they feel for the success of his undertaking, and their warm approval of the determination he had formed, in spite of many obvious difficulties, of seeking, by open and honourable competition with Englishmen, to be the first native of India who has obtained a covenanted appointment under this empire." They conclude by saying, "We sincerely hope, not only that you yourself may obtain success, but that you may be the pioneer of similar success to many others of your countrymen in future years." He (Lord Monteagle) had also heard various objections to the appointment of Native assistant-surgeons, the one more stupid than the other. The appointment of a Native assistant-surgeon was refused on the ground that it was incompatible with the safety of their Indian dominions; and he had heard that no European, particularly of the other sex, would call in the aid of medical gentlemen of Hindoo caste. But these objections, even if really felt, which he doubted, would speedily vanish. He thanked their Lordships for the indulgence with which they had listened to his statement. He hoped the House would interpose to give effect to their own generous intentions—that they would enforce the operation of their own measure, and that such an interpretation would be given to the Act as would prevent any attempt at a system of exclusion. The subject was a very important one, and he should be gratified and comforted if it led only to a renewed admission from the Government that natives of India were really eligible for offices in the civil service, under what may now be termed the Constitutional Act of the Empire in the East, as interpreted by the framers of that Act, and confirmed by the victory won by the perseverance and intellectual superiority of the young Brahmin who so successfully fought the battle of his country. His Lordship concluded by *moving*—

"That there be laid before the House, Copies or Extracts of any Correspondence between the Board of Control, the Court of Directors of the East India Company, and the Authorities in India, on the Report, dated November 1854, on the Examination of Candidates for the Civil Service of the East India Company: Also, On the Letter as to the Company's College at Haileybury, and Regulations framed for the Examination of Candidates for Appointments to the Civil Service of the East India Company: And also, On the Despatch to the Government of India on the Subject of general Education in India."

Lord ASHBURTON said, that the speech of the noble Lord was a direct censure on the Committee from which the Report proceeded; for it would be a most severe imputation if it could be made out either that they intended to exclude natives from the covenanted service, or that they had so blundered as accidentally to bring about that result. There most assuredly was no intention to exclude the natives of India from the covenanted service of the Company. The evidence of Sir E. Ryan bore directly upon the question at issue. Sir Edward had given it as his opinion that those examinations had been so framed as to leave very considerable advantages to the natives. He said that in a competition in English composition, history, and literature, some Indians surpassed English students; and he (Lord Ashburton) very well understood how that could be; it would be just as a stranger who visited London for a few days would have a better chance of success in an examination upon London antiquities than a Londoner would have who had lived all his life in London, without paying any attention to antiquarian research. An Indian spent in the study of the English language and literature all those years which an Englishman spent in the study of the classical languages. Certainly, with regard to Latin, Greek, French, German, and Italian, an Englishman would possess certain advantages; but in mathematics, pure and unmixed, Sir Edward Ryan said the chances of an Indian were superior, the Indian genius being more apt in that department than the English; and in natural and moral sciences his chances were quite equal; while in Arabic and Sanscrit their superiority was necessarily considerable. Therefore, he thought the noble Lord ought to feel a little relieved from the excess of anxiety under which he was labouring. The noble Lord seemed to throw some slight slur upon the insertion of the French, German, and Italian languages in the *curriculum* in question; but if he thought that that kind of knowledge was really and absolutely required of candidates, he was much mistaken. The object of the Commissioners, he believed, was to make the first examination a trial of strength, to bring out the qualities, whatever they might be, of every candidate who presented himself, no matter where he had begun or completed his studies, and no matter what the nature of those studies might have been. Whatever a man knew was to be brought out, and it was for that reason that so very extensive a list of acquirements had been made up—it was sufficient if judgment and vigour of mind were exhibited with regard to any species of knowledge. If a man could show that he had exercised judgment and ability in the study of the German language, for instance, his knowledge, genius, and powers as displayed in that department would be counted to him. It was upon the same principle that the examination paper included Sanscrit and Arabic. If a man chanced to know Arabic, for instance, why should it be said to him, "You shall not have an opportunity of displaying the ability with which you have dipped into that language," for the object of the Commissioners was that whatever a man knew he should be enabled to come forward and show it? The Commissioners were most anxious that no one should be excluded from the competition, but that whatever candidates might have learned before, at London, Edinburgh, Dublin, or Aberdeen—whether they had studied French, or German, or Italian—if they showed that they had acquired correct knowledge on such matters and could exercise a satisfactory judgment upon that knowledge, they should be admitted as competitors. He (Lord Ashburton) entirely agreed with the earlier part of the speech of the noble Lord; he considered that there were many parts of the Act of last year which were of immense importance to the future interests of India, which would require the constant vigilance and superintendence on the part of the Legislature, as to the manner in which they were carried out, in order that they might be worked to good, and prevented from working mischief.

The Earl of ALBEMARLE expressed his gratification that the matter should have been brought under the consideration of the House by his noble Friend (Lord Monteagle). The attention of their Lordships was invited to two classes of persons who, in the legislation of this country, presented a strong contrast to each other—he referred to the assistant-surgeons and the civil servants of the East India Company.

Lord Ashburton

There was, however, this distinction between the two cases—that for the assistant-surgeon there were no medical colleges in India, so that it was necessary for them to come to England for a medical education. But, though there was no medical education to be obtained in India, there was every facility for obtaining an education to fit the natives of that country for the civil service of India; and it was perfectly impossible that the wants of the civil service in India could be supplied by forty youths annually sent out from this country, and he thought it would be most unjust to compel them to come to this country in order to acquire that which they could obtain as readily at home. He ventured to express a hope that the new President of the Board of Control, whenever he had any occasion to leave Cannon Row for advice, would not go further than the Admiralty. He (the Earl of Albemarle) had a most thorough conviction that if the India Bill of 1853 had been brought forward at the close instead of the commencement of the reign of the late President (Sir C. Wood), the experience which his right hon. Friend had gained before he quitted the office would have enabled him to produce a much different measure. He recommended the new President of the Board of Control to take into his counsels the new Secretary of that Board, who, as President of the Reform Association, had made himself acquainted with the necessities and wants of India, and he trusted that the appointment of the new Secretary was intended by the Government as an earnest of their intention to do justice to the people of India. Seeing the virtual impossibility of the natives of India taking advantage of the Act of 1853, from which his noble Friend (Lord Ashburton) disclaimed any intention of excluding them, he hoped that the Government would take steps to enable the inhabitants of India to fit themselves for the civil service without coming over here; and he would suggest that a certain number of appointments should be placed at the disposal of the Governor-General of India, so that the natives of that country or any British-Indian might have an opportunity of obtaining their fair share of the patronage of the Indian Government, from which they were at present excluded.

Lord WYNFORD said, that when it was considered that the natives of India would come a distance of 10,000 miles for the purpose of availing themselves of any advantages which they might derive from the Act of 1853, it was to deceive them and to deceive ourselves to say that there was any fair competition as regarded them. Although the energy of one man had overcome the difficulties with which the subjects of India had to contend—and he trusted that the future success of Mr. Chuckerbutty would be proportionate to the sacrifices which he had made to attain it—yet the Act was a mockery as a general measure. In order to make the examination fair towards all parties concerned, the place of examination ought to be the place where the honours were to be acquired. From all that he could learn, he could not find that any Governor-General of India, any of the Directors of the East India Company, or any one experienced in the affairs of India, had been consulted in framing the measure now in operation, and he thought that something far more beneficial to the Government of India might have been devised if the attempt had been made.

EARL GRANVILLE said, that he thought one point had been lost sight of in this debate—that the object and the duty of Parliament, of the Government, and of the Gentlemen who signed the Report which had been so often alluded to, was, in the first instance, to find the ablest men to conduct the government of India. No doubt one very great advantage would be to admit the natives to a share in that Government, but he doubted very much the advantage of greatly increasing the number of natives who should be admitted to the civil service of India, if, by removing the scene of competition from here to India, we admitted those who had not had an opportunity of showing their possession of that energy of character and moral courage which they must now exhibit to qualify themselves for that service. The noble Lord had, in referring to the case of Mr. Chuckerbutty, borne handsome testimony to the sincere desire of the Government to promote the advancement of the natives of India. He (Earl Granville) took that opportunity of saying that the Government viewed the success of that gentleman with the highest satisfaction, not only because it was in itself a well-merited reward of his talents and exertions, but because it disproved the tenor of the remarks made by many of the witnesses who gave evidence before the Committee of two years ago, who, while they spoke most strongly in favour of the attainments, the powers, the application, and perseverance of the natives of India, yet denied them the very quality of moral courage which Mr. Chuckerbutty had so signally displayed. It was unnecessary for him to say one word in praise of the scheme of education which was founded on the Minute of the Board of Directors, because the praise bestowed upon that document appeared to be universal, and some curiosity had been manifested as to who was its author—the Board of Directors or the President of the Board of Control. Nor would it be regular for him to say from whom it emanated. All he could say was, that in all the great reforms which had been introduced into the government of India during the last two years—greater within the last two years than any which had been carried out for many years previously—the President of the Board of Control and the Board of Directors had gone together in the most cordial manner. It was not necessary for him to enter into the question of Haileybury College, because there would be another opportunity for doing so when the Bill with respect to it came before the House. He believed, however, that it was clear that under the 41st and 42nd clauses of the late Act, it was competent for the East India Company to admit into their service, persons who had not been to Haileybury; nor could he help observing that if the system of education carried on there was open to the objections of Earl Grenville forty years ago, it would be impossible to support it along with the new system of education. It was impossible to send men whose attainments already qualified them for professors, to an establishment which was little better than a private school. He thought that the names of the gentlemen who had been appointed by the Government to prepare the scheme of examination for the candidates for Indian appointments were a sufficient proof of their sincere desire for the success of the project, and for the admission of the natives of Hindostan to a share in the patronage of the Government. Was it likely that Mr. Macaulay, who at an interval of twenty years had made probably the two most eloquent speeches that ever were delivered in favour of the natives, would now have lent himself to interpose obstacles in the way of their being fairly admitted into the Company's service?—or that, from want of sagacity, and of knowledge of what the natives could do, he should have produced a scheme which would be practically inoperative in that respect? The mistake made by those who had animadverted upon that scheme was this—they treated the whole number of marks allotted to the various subjects introduced in the Report as if it was one likely to be obtained by any single candidate. Now, the Report of the Commissioners stated that they did not expect any candidate could take more than half the total number, and, for himself, he (Earl Granville) did not think there was much chance of any candidate obtaining one-third. A great experiment had been entrusted to these gentlemen, and what had been done by the Commissioners and by the Government was, they had framed what they thought the very best scheme which, under present circumstances, could be adopted for the purpose of making this great experiment. There was no pretension on their part that the number of marks they had laid down as necessary should be kept unalterable, like the laws of the Medes and of the Persians, or that the limitation as to age should, under all circumstances, be strictly adhered to. All he asserted was, that, most honestly and, as he believed, most ably, the attempt had been made to render this the best possible scheme; and he had been informed, on very good authority, that one, if not more, of the natives of India would compete the very next year for the high prizes offered to them.

Lord MONTEAGLE briefly replied, expressing his satisfaction at the discussion which had taken place, and at the sentiments which had been expressed by the noble Earl who had addressed the House on the part of the Government.

Motion *agreed to.*

House adjourned till *To-morrow.*

HOUSE OF COMMONS,

Monday, March 5, 1855.

Minutes.] New Writ.—For Barnstaple, *v.* John Laurie, Esq., void Election.

Public Bills.—2° Tea Duties Decline Suspension; Purchasers' Protection against Judgments; Secretaries and Under Secretaries of State (House of Commons).

EDUCATION IN THE ARMY—QUESTION.

Mr. EWART said, he wished to ask the hon. Under Secretary of State for War whether there could be laid before the House any statement of the measures now adopted for further promoting the education and professional competency of officers in the army; also of any measures adopted for giving useful and practical instruction to non-commissioned officers and privates?

Mr. FREDERICK PEEL said, that he had no objection to produce a statement showing the system of regimental schools, and the nature of the examination which officers had to undergo before obtaining their first commissions. The larger measure, however, which had been contemplated last year, had been left in abeyance for some time, but was at present being taken up by Her Majesty's Government.

MEDICAL OFFICERS IN THE CRIMEA—QUESTION.

Mr. LAYARD said, he wished to ask the hon. Under Secretary of State for War whether any brigade and divisional orders had been issued in the army before Sebastopol, to the effect "that no questions must be answered by medical men attached to the forces without permission from head-quarters;" whereby medical men attached to the army were precluded from giving complete evidence to the Commission sent out to the East to inquire into the state of the medical department? Also, whether it was true that Dr. Lawson had been appointed to the superintendence of, or to any other high employment in, the hospitals of Scutari, Smyrna, or Rhodes; and, if so, by whose authority such appointment was made, and whether it had been sanctioned by the authorities at home?

Viscount PALMERSTON said, that he would answer the first question of his hon. Friend, and his hon. Friend the Under Secretary for War would reply to the second. Her Majesty's Government had received no official information of any such divisional or brigade orders as those to which his hon. Friend had alluded; but they had been informed by private correspondence that some such orders had been issued. He could only assure his hon. Friend that their meaning must have been that the medical officers were not to place themselves in communication with the Commission without authority so to do. He could not possibly conceive that the orders could have gone to the extent of, in any way, interfering with the functions of the Commission in obtaining every information necessary for the due performance of their duties. But his noble Friend at the head of the War Department had lately written out to inquire how the matter stood. At the present moment all that the Government knew about it was contained in a private letter, which, of course, could not be relied upon as being quite accurate or very minute in its details.

Mr. FREDERICK PEEL said, that in reply to the second question of the hon. Member for Aylesbury, he had to state that Lord Raglan, about the middle of January, had directed Dr. Lawson to proceed to the hospital at Scutari, where he had been placed in a subordinate capacity under the orders of Dr. Cumming, who was at the head of that hospital. There was no intention on the part of Government to place Dr. Lawson in charge of any hospital.

Mr. LAYARD: Am I to understand Dr. Lawson was merely sent from the Crimea to the hospital, but not to take charge of it?

Mr. FREDERICK PEEL: The general orders were, that he should proceed to Scutari and report himself to the officer at the head of the hospital, but not to take charge in any way.

Mr. LAYARD: Was he not sent away from the Crimea after an investigation on a charge of misconduct? That is what I meant by the question.

Mr. FREDERICK PEEL: He was sent from the Crimea after he was censured in a general order by Lord Raglan.

THE APPOINTMENT OF DR. MEYER—QUESTION.

Mr. PERCY said, he would take that opportunity of calling the attention of his right hon. Friend the Member for South Wiltshire (Mr. S. Herbert) to a statement which had appeared in one of the public journals, that Dr. Meyer, who had been appointed to the direction of one of our hospitals in the East, was a German gentleman who was not possessed of any diploma, and whose only qualifications for the situation to which he had been appointed were, that he had managed a lunatic asylum abroad, and had attended with some regularity the levees of His Royal Highness Prince Albert. He wished to ask his right hon. Friend whether there was any truth in this statement?

Mr. SIDNEY HERBERT said, he was in some degree responsible for the appointment of Dr. Meyer, because he recommended him to his noble Friend now at the head of the War Office (Lord Panmure). There must be some great misapprehension, because Dr. Meyer was an Englishman, born at Norwood, near London. He was educated at Hammersmith, afterwards at Eton, and studied the medical profession at Guy's Hospital. He was a member of the College of Surgeons, where he passed his examination with great distinction, and had been at the head of large establishments in Norfolk Island and Van Diemen's Land. He (Mr. S. Herbert) believed that he was very favourably known at the Colonial Office; and so far from his having attended the levees of Prince Albert, he informed him (Mr. S. Herbert) that he had never had the honour in the course of his life of seeing His Royal Highness.

EDUCATION IN THE ARMY.

Order for Committee of Supply read.

Motion made and question proposed, "That Mr. Speaker do now leave the Chair."

Mr. RICH said, he had intended to move for a Committee to inquire into the military education of our officers, both staff and regimental, but he found that he should not be able to bring on a motion to that effect before Easter, and therefore he was reluctantly compelled to forego his intention. The subject was, however, so important that he could not omit altogether calling the attention of the House to it. It was a lamentable fact that this nation, foremost in all peaceful arts, was not so in military matters. That, without doubt, chiefly arose from our imperfect organisation, and also from the fact that for the army officers were not specially educated. It was impossible without that education that officers could be fitted for their duties, and still less keep pace with the scientific improvements which surrounded them. With the exception of the Duke of Wellington's campaigns, and a few brilliant but isolated exploits, the history of our army from the time of Marlborough was one of blunder and failure, and not unfrequently of disaster, whereas that of the navy was one of great achievements and an almost unbroken series of successes. Why, he would ask, was there that difference? Was it not that in the navy every officer entered it as a profession, and was duly and professionally educated and subjected to severe tests before he was advanced? It was essentially treated as a profession, and its officers sustained and encouraged to undergo its severe labours by the hope of gaining its rewards. The navy were always ready whenever they were required, at the beginning, at the close, or during the progress of a war; but not so the army. We were told that there was no practical school for the army to learn its business in; there was undoubtedly some truth in that, but only half a truth. We neglected, two years ago, an opportunity of extending that school. India was the principal quarter where the military profession might be learned practically within the British dominions; and there we had 30,000 troops. Two years ago, we agreed with the East India Company to increase the number of European troops by 10,000. But how did we effect this? Did we add that number to the Queen's troops, which would not have cost the Government one farthing, as they would have been all paid and supported by the East India Company? No, we gave authority to the East India Company to add that number to its own army, thereby creating 10,000 less good Colonial troops, instead of augmenting by 10,000 the number of, and the field of instruction for, our own troops. He earnestly hoped that this error would be rectified, or that the whole of the army in India, at least that the European portion of it, would be brought under the Crown. We might thus extend the practical skill of our officers, and we ought also to inspire them with more enterprise and energy, by a juster system of promotion and distinction. At present such inducements were not held out. Officers were placed upon the staff without any question as to military qualifications. Once upon the staff they continued upon it, and to the staff promotion mainly fell. It was impossible to overrate the unfairness of the promotion of our staff officers. There was an instance when the Queen visited Ireland. She was received at Cork by two officers, one of whom was of thirty-two years', and the other of twenty-eight years' standing; neither of them were promoted. But at Dublin, for a similar ceremony, no less than three aides-de-camp of the Lord Lieutenant's staff received the brevet rank of major, though the united services of the three would not amount to either of that of the Cork officers. That was an instance of what staff promotions were. One of those Cork officers subsequently went to Canada with his regiment, and died at his post; and the other went to Inkerman, where he fell at the head of his regiment. Of the three aides-de-camp staff officers who received promotion in Dublin, one was struck by a natural visitation, and sold out, the second was still employed on the Lord Lieutenant's staff, and the third had preferred a civil appointment to service in the Crimea. He (Mr. Rich) might go on multiplying these instances, if it were necessary. The efficiency of our staff officers, and the education which fitted them for their duties, were totally disregarded, yet, in time, these staff officers became the leaders of our armies; and could we, with such a contempt for fitness and preparation, wonder at the almost constant failure of our military expeditions. There was no royal road to the art of war. It must be studied, deeply, perseveringly, hopefully, and embraced as a profession. When men were found who possessed the rare qualities which were essential for a soldier, they ought to be rapidly promoted. That was the practice in foreign countries, and it was the theory in our own. The Ordnance corps and engineers were, indeed, a credit to the service; but in these a complete system of education was pursued, and no man could enter the Artillery as an officer who had not passed a satisfactory examination at the military academy at Woolwich. Those gentlemen who went into the engineers were also subjected to a severe examination, and subsequently completed their education at the arsenal and at Chatham, but when, in that manner, a highly educated body of men was obtained, no use was made of them. The general routine duty of an officer of engineers, however brilliant his talents, was such as might be performed by the most ordinary officer; he was employed to look after old buildings and barracks, and other unimportant concerns. Some of the engineer officers, thus disgusted, were what was termed "seconded," and sought occupation in matters quite irrelevant to their professions. He believed that the number of pupils at the Military College at Sandhurst was on the decrease, and that the institution had been allowed to dwindle down, although not from any want of funds; for it appeared that during the last three years no less than 2,700*l.* had been paid into the Treasury as a surplus from it. In fact the college was not only self-supporting, but was, to some extent, a public charity, for some fifty of the cadets were maintained at half their cost, by charging the remainder nearly double their cost; thus excluding the sons of the middle gentry from the institution by the exorbitance of its charges. In the Military College, the junior department was intended for the education of regimental officers, and the senior department for the education of staff officers, for it was supposed that those gentlemen in the senior department who obtained a certificate of having passed a satisfactory examination would obtain staff appointments; but, in point of fact, that certificate was a mere mockery, and with very few exceptions had never met its reward. Why was not the 900*l.* a year surplus which that college paid for the last three years into the public purse employed in educating more young men for commissions? Simply because, if that course were adopted, the patronage of the Horse Guards would be diminished. Now, with respect to the distribution of the commissions that were granted, he found that the number given between the years 1830 and 1847 was nearly 2,200; and of these, during those seventeen years, 446 were given to men who had shown distinguished merit in the ranks or as non-commissioned officers; of the remainder, 476 were given to the cadets who had passed through the studies and examinations of the Military College with honour, and had been recommended to the Commander in Chief. But what became of the rest? There were 1,269 commissions which had been granted, as it was stated, "to gentlemen"—that is to say, they had been given away by favour, or they had been sold. Several of those who procured them might have been also at the Military College, but merely as a place of resort, without being constrained to follow any department of study, or pass even any examinations. But half of them, at least, were young gentlemen who had not undergone even this preliminary, but had entered the army with no notion of following it as a profession, but who, being the heirs to large estates, had been placed in the army after having completed their school education, as a means of a very questionable discipline or prevention for keeping them out of the gaieties of London and Paris. These two classes furnished almost exclusively for the staff; the 446 who got commissions after having served in the ranks were, from their age and from their previous habits, not qualified for the staff, and the 476 who got commissions by their industry, their talents, and good behaviour at the college, being poor men, without interest, could not under the present system presume to obtain any staff appointment. So it happened that the staff appointments of the British army fell to the lot of the 600 or 700 gentlemen who without preparation and without previous merit got their commissions during those seventeen years by the sole advantage of their fortune or social position; now what security, therefore, was there for their knowing anything of that which it was necessary for a soldier to know? There was no security; and until 1847 there were no precautions taken that these men should be even acquainted with the ordinary education of a gentleman much less with the duties of their profession; since then an examination was instituted by the noble Lord who was then Secretary at War, of which he (Mr. Rich) did not say that it was a good one, but which he believed was likely to prove a much more successful examination than that which had been prescribed by the right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert). It required a knowledge of the first elements of arithmetic and geometry, history and geography—a little smattering of Latin—or, failing that, of French or German, and some little knowledge of fortification; but, little as it was, it caused numbers of young men, who before that were intending to obtain commissions, to shrink from undergoing that examination, and so to abandon the idea of entering the army; and many others, who came up with all the assistance which "crammers" could render them, were "plucked" two or three times before they could pass. The poor orphan boys in the military school at Chelsea, or in the Royal Hibernian School, the sons of private soldiers, would have passed that examination, he believed, much more readily. Could we be surprised, then, at the inefficient character of our staff? and did not that throw light on our failures? It was said that the French army had a practical school of war in Algiers, but he doubted whether it was so good as ours in India. The French, however, did not rely upon Algiers only for the training of their officers. The French had six or eight different military academies to prepare officers and men for the staff for every branch of the service. And what was their preparation for the highest branch? A young man was selected who had passed through the inferior colleges with distinction, and was then, for the next two years, put through a course of military administration, history, geography, and topography; statistics, mathematics, and the sciences; mechanics, gunnery, fortification, and modern languages. For sixteen months of the two years the teaching was theoretical, for six months practical, and the other two months were filled up by a very severe examination. After that he was attached for two years to some regiment of the line, then for another two years to a regiment of cavalry, and subsequently for two years more to the artillery; and, at the end of those eight years, and not till then, was he considered fit to serve on the staff with honour to himself and advantage to his country. But what was our course? The lucky son or nephew of some good-natured general, or of a good-natured general's lucky friend, was accepted without hesitation as an aide-de-camp. The fortunate youth was then initiated in the mysteries of dancing and carving, writing invitations, and singing a good song, laughing at his general's jokes and entertaining his guests. In due and quick time these accomplishments brought him promotion; he speedily became a major of brigade, or had a post in the departments of quartermaster general or of the adjutant general; thus he rose high in the army, but acquired no military knowledge, when suddenly a war broke out, and then the officer had to learn his duties—but how, and at whose expense? He learned them in the field, at haphazard, by error and mistakes, and at the cost of national disaster, and the noble blood of the English soldier, or, sadder still, of the miseries and privation which, by the ignorance of those in command, those soldiers were made to suffer. The honour of England and the lives of our army were too precious to be subjected any longer to such direful deficiences. Let the Government, therefore, take this matter into their most serious consideration. Let them take care that all the officers of our army, whether for regimental or staff service, should be well and thoroughly educated, and that, afterwards, those who best fitted themselves for duty should be encouraged by the juster dispensation of the professional honours.

CAPTAIN SCOBELL seconded the Motion.

Amendment proposed, to leave out from the word "That," to the end of the Quesion, in order to add the words, "it is expedient that measures be taken for promoting the efficiency of our Military Academies and other established provisions for preparing Officers for Regimental and for Staff Appointments,"—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. FREDERICK PEEL said, the hon. Member for Richmond who had brought this subject forward had expressed his regret that he was unable to move for the appointment of a Committee. Now he (Mr. Peel) would admit that such a Committee might have led to the collection of a valuable body of evidence, but he was not sorry that it had not been proposed, for he believed that, so far from causing this question to make any progress, it would have had an opposite tendency, inasmuch as the Government were now giving their attention to this important subject, and if a Committee were appointed, the Government would be bound to suspend their action until the Committee had made their report upon it. He considered it inconvenient, both to himself and to the department with which he was connected, that, seeing the little time which the Government had yet had to mature their views upon the many important questions that were pending, he should be called upon to express an opinion upon matters of great moment vitally affecting the organisation of the army and following each other in rather close succession. Only two or three nights ago the House was treated to a discussion which involved the question of admitting privates and non-commissioned officers of the army—men advanced in age, and however well acquainted with the duties of a soldier, not possessing an education superior to that given in common elementary schools—into the class of commissioned officers; and now the hon. Member (Mr. Rich) has brought forward a question founded upon an opposite assumption, for it was recommended that a higher education should be given to the officers, and that superior qualifications should be exacted of them. Now, with regard to the general value of education for our officers, there could be no difference of opinion whatever. As his right hon. Friend the late Secretary for the Colonies said the other evening, every officer ought to understand the practical part of his duty, but no officer was the less capable of doing his duty because he understood the theory and science of the military profession. He (Mr. Peel) believed that the more our officers had their minds disciplined and their intelligence cultivated, the more would their resources be multiplied, enabling them to adapt themselves with the more facility to the varying exigencies of the military service. He did not speak merely of a professional education, but of general literature. A Bill which passed that House the other day, for raising a foreign legion, might illustrate the importance of general studies to an officer. Under that Act, we should have an assemblage of diverse nationalities, to place which under the command of an English officer would require that he should be acquainted with the different languages of Europe—German, French, and others; and so an officer familiar with foreign languages would enjoy multiplied opportunities of getting employment and of advancing himself. But although he (Mr. Peel) was favourable to education, he would not have it of too high a character. He believed that if too high an educational standard were established for the army, we should lose the services of many competent and valuable men. It was a common remark, that men, who at school and college were beaten by their competitors, would afterwards, in the real business of life, leave those competitors behind, not because in all cases they possessed greater social advantages of wealth or station, but from their having an instinctive knowledge of the way in which to turn what they did know to account for the public benefit. This should be strongly kept in view in the education of our army. The hon. Gentleman referred, amongst other matters, to the present means which this country had of furnishing education to our officers. It did not require more than a cursory glance at those means to feel satisfied that they were extremely scanty, and that the institutions which were established in this country did not, and were not intended to, supply the want which was referred to by the hon. Gentleman. Excepting the institution at Woolwich, there was nothing but the Military College at Sandhurst, and that the hon. Gentleman said had been reduced because the Commander in Chief was unwilling to lose his patronage. But there he thought the hon. Gentleman was mistaken, because it was not the Government, but that House, which had restricted the extent of its accommodation. It was a self-supporting institution at the present time, but not exactly in the way stated by the hon. Member. The hon. Member said there were ten inmates who paid nothing at all, and forty who paid a moderate sum. But the fact was, that there were twenty-five orphan children and other sons of officers who paid a sum of 40*l.* a year, and the College was able to take them at that low rate in consequence of the high charge which was levied on a third class containing some 110 pupils; and the advantages of the education of the officers were so great, that there was no difficulty on the part of the college to procure boys who paid a sum which was not only sufficient for their education, but also to support those who were received at a lower rate. The hon. Member suggested that the basis of the college should be enlarged, and that every officer intended for the army should pass through that institution. He was not disposed to agree in the policy of that recommendation, as he believed no great results would be found to attend a system which educated in a military manner persons of very youthful age. By devoting themselves to one particular study, narrow notions of their professions would be formed by those for whom the education was designed. The best class of public officers would, he conceived, be found among those who had passed through the public schools and universities, and who possessed a knowledge of general literature. The hon. Gentleman had also referred to the examinations as at present required by the rules of the service. He (Mr. Peel) was not aware of what was required by the examiners, but at least the examination secured that the officers were not illiterate. He thought that the plan recommended by his right hon. Friend secured that which the hon. Gentleman proposed, that when an officer required a commission, he should be prepared to pass a preliminary examination, and that he should receive, not merely a military education, but a general one. The plan of his right hon. Friend went on to provide, and he thought properly, that when an officer had received a first commission he should be required to pass subsequent examinations before he obtained a further grade, or before he obtained his company; and the only reason why the scheme had not been brought to maturity was the difficulty of appointing instructors in consequence of the persons who would have been selected being required for the more pressing service of the army in the East. He thought, however, the circumstance of there being a war was no reason why they should not proceed in carrying out the plan. Whether the war was or was not to be continued, it was for the Government to see that measures were taken to provide officers with the means of acquiring a full knowledge both of the theory and of the practice of their profession, and the plan of his right hon. Friend, that there should be appointed at every head-quarters in this country and the Colonies certain instructors before whom the officers of the regiments serving in that command should be required to attend a course of lectures, and to pass an examination with success, before they received a further promotion, would, he thought, be attended with very advantageous results. With regard to the staff appointments, considering that those who were on the staff had very considerable advantages over the regimental officers, he certainly thought that those staff appointments should be considered as the prizes of the profession. Under the present system it not unfrequently happened that officers were appointed general officers, who, not from any fault of their own, but from the fault of the system, were familiar only with one branch of their duty. It would be possible to select officers who had most distinguished themselves at the district examinations proposed to be held, and to send them to some central station or to one of the large encampments to be formed when they would have an opportunity of learning the duties of all the difficult branches of the service, and from men thus trained and qualified, the Government might select those who were to hold staff appointments. With regard to the *état-major* of the French army, as he understood, that was a staff corps distinct from the other divisions of the army. Whether it was desirable or not for us to adopt that system was, of course, a matter for serious consideration. He trusted that the hon. Gentleman would be satisfied with this cursory review of his observations, and that he would not press his Motion.

COLONEL DUNNE said, that there was one very easy means of improving the education of the army without costing the country anything, and that was simply by ensuring employment to those officers who knew their duty. The great reason why we had no good staff officers was, that, whatever might be their attainments, their study, or their knowledge, they found them no recommendations for employment. Another great reason for the deficiency of our staff officers was the fact that there did not exist in the English language a single really useful work devoted to a description of the duties of staff officers, and there was scarcely an officer to be found who could define with accuracy the duties of either the adjutant or quartermaster general. During the visit of the French officers to the camp at Chobham, they expressed their opinion that our regimental system was perfect, but that our staff arrangements were sadly deficient. It was perfectly absurd, in his opinion, to suppose that any academies of the country would produce staff officers. Every staff officer must educate himself. He should go to France, make himself master of the French language, and make himself acquainted with the system adopted in that country. He considered, at the same time, that it was impossible, from the peculiar constitution of the British army, to introduce the French school of the *état major* into it. He would again repeat, that the staff appointments ought only to be given to those who were, upon examination, found perfectly qualified to discharge the duties of the appointment.

MR. OWEN STANLEY said, he hoped the hon. Member for Richmond did not intend to press his Motion to a division, but notwithstanding he thought the Government had adopted a proceeding which would prove injurious to the army by promoting sergeants to the rank of officers. Composed as the English army was, it required great caution as to the system of promotion which should be adopted. If there should be an indiscriminate promotion of non-commissioned officers, it would inevitably do injury both to the army and to the individuals themselves. He was glad to find that the Government was taking the whole system of the army into their consideration. That was much better than having isolated Motions brought forward by independent Members, which only had the effect of preventing the Government taking immediate and decisive measures on the subject.

MR. OTWAY said, he could not avoid expressing his surprise that the hon. Gentleman the Under Secretary of War, when speaking of the circumstances attending the expedition to the Crimea and the education of the officers, should have treated the subject as merely a question of money. With regard to the Motion before the House, he would observe that in France there were many colleges where persons were educated by the State; but in England no such thing could be said to exist.

By a return which had been made of the number of orphans of the officers of the army who were gratuitously educated at public institutions, it appeared that there were eight educated at one establishment, and only two at another. He was pleased to learn from the hon. Gentleman (Mr. Peel) that the plan of the late Secretary for War was to be carried out—namely, that periodical examinations should be made of every officer before he should obtain any increased rank in the service. With regard to the appointments on the staff, he did not concur in what had fallen from the hon. and gallant Gentleman opposite (Colonel Dunne) as to the facility with which officers of the staff might be educated. A most disastrous affair had recently occurred, which illustrated how necessary it was that a staff officer should possess higher qualifications than merely those of a regimental officer. He alluded, of course, to the cavalry charge at Balaklava. An order was conveyed from the commander in chief to a general officer in command, and a misunderstanding arose between that officer and the aide-de-camp who was the bearer of the order, as to the interpretation to be put upon it. Now, if the general officer was possessed of the power, not only of carrying out the order of the commander in chief, but also of interpreting it, then it would be immaterial whether the aide-de-camp possessed the qualification of interpreting or not. But when power was given to that staff officer to put a construction upon the order, then it was not enough that he should be a good rider, but that he should also be an officer capable of interpreting the orders of the commander in chief to whose staff he belonged.

MR. BELLEW said, he thought, as reference had been made to the charge at Balaklava, the House ought not to forget that the order in that case was a written one, and had the officer who carried it to the general of division simply delivered it the charge in question might not have been made.

MR. J. G. PHILLIMORE said, he hoped the House would not rush into the opposite extreme, under the idea that education would make a good general. The Duke of Marlborough, it was well known, was one of the most illiterate men of his day, and Marshal Saxe could not sign his own name. With the exception of Bernadotte, there were few of the French marshals—and he might certainly say neither Soult nor Massena—who had received any education. There was great danger that, having heard too much on one side, they might now rush into the opposite extreme.

VISCOUNT PALMERSTON: Sir, there is no doubt much truth in what the hon. and learned Member (Mr. Phillimore) has said, but the case comes to this—when you apply a test of qualification for a particular employment, you must take care not to employ a test applicable to another totally different employment. It is quite true that the attainments which qualify a man to be a good officer are not the same which would qualify a man to be a learned professor; and if you require your officers to pass an examination which will qualify them for a professorial chair, you will certainly commit a great error. Upon the other hand, great advantages would arise from taking care that upon each step of promotion an officer should keep himself up to proper progress in the attainments belonging to the profession of which he is a member. The qualities which constitute a good general are qualities which must be inborn in the man. The combination of qualities which make a great general is one of the rarest which occurs in the moral constitution of man. My belief is, that you will find a great many more men fitted to be successful statesmen than men suited to take command, and who have all the foresight necessary for the performance of the duties attaching to that station. At the same time, it is highly important that your officers should keep well up and make progress in their profession; and those examinations which have been alluded to are examinations which I think ought to be tests of military knowledge. It would be desirable that that test should not only be applied upon the first entrance into office, but that the officers should also understand that unless they occupy their minds and perfect themselves in those matters which are essential to a proper performance of military duties, they will not gain such promotion as they are desirous to obtain.

COLONEL KNOX said, he thought it would be of great advantage to their service if the system adopted in foreign armies was carried out. There, when a young officer was perfect in his military duties, he was for a short time attached to the artillery, then to the engineers and the cavalry; and he thereby learned the routine of all the branches of the service. There was no means in their service by which a general officer could obtain that knowledge which would enable him to make effective use of the different arms. He was quite certain that more would be learned in that way than by any system of examination.

Mr. RICH said, that after the satisfactory statement the Government had made, he would not press his Motion.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

ORDNANCE ESTIMATES—SUPPLY.

House in Committee of Supply; Mr. Bouverie in the Chair.

Mr. MONSELL said, that the present Estimate for the expenses of the Ordnance Department was the largest that had ever yet been laid before Parliament. Although the estimates showed such a very large increase of expenditure, there were few hon. Members in the House who would not be able to give a reason for the increase of almost every one of the items. He would first call the attention of the Committee to the Supplementary Estimates, for which a Vote had previously been taken, but no details of which had been presented to the House. The total amount of the Supplementary Estimates for last year was 1,402,961*l.* The first Vote was a sum of 267,000*l.* under the head of barrack supplies, and it included a sum of 129,518*l.* for barrack bedding for the hospitals at Scutari and Smyrna, and for replacing stores at Malta. There was a sum of 106,000*l.* for additional great coats, boots, and shoes, for the troops. Some remarks had been made with respect to the size and quality of the boots sent out to the troops. Those articles were not, however, supplied by the Ordnance, but by the clothiers of the regiments. With respect to the boots that were sent out, the precautions were taken that two smaller sizes of the boots established by the Army were left out, and in the place of them two larger sizes were selected; and although the boots might have been too small in cases where the men wore two or three pairs of stockings, still they were, in fact, larger than those usually supplied to the Army. The remainder of the Vote was a sum of 42,806*l.* for miscellaneous stores. The next Vote was 142,000*l.* for warm clothing for the convalescents, and 92,000*l.* for blankets, &c. Then there was a charge of 54,800*l.* for huts for troops in the Crimea, 19,041*l.* for stable huts for the Crimea, and 12,969*l.* for hospital huts for 2,000 patients. And also a sum of 12,930*l.* for huts for 3,000 men at Heligoland. The next Vote was a sum of 382,500*l.* for warm and waterproof clothing and waterproof articles for the troops. In justice to the gentlemen who undertook the supplies of those articles, and who, in his opinion, carried out the directions given them by the Government with great celerity, he stated that the whole of the supplies which were lost in the *Prince* were replaced within three days of the time when the news first arrived of the loss of that vessel. The Committee would doubtless be surprised, but he thought at the same time gratified, to hear the enormous extent of the shipments of these articles. In the month of November there were shipped from the Tower 130 tons of warm clothing, and by Messrs. Hayter and Powell 344 tons; in December, 752 tons from the Tower, and 234 tons by Messrs. Hayter and Powell; in January, 309 tons from the Tower, and 180 tons by Messrs. Hayter and Powell. He would next ask the Committee to consider whether this clothing was, under the circumstances, supplied economically. It was supplied in great haste, under very urgent circumstances, and of course anybody who had to do with the supply of it felt that the real object they had to consider was not price, but to get the thing they wanted as rapidly and expeditiously as they could. He had caused an accurate calculation to be made of the amount. The price paid exceeded the price at which they might reasonably expect to obtain the article, if they were not in the hurry he had described. The calculation had been made by independent authorities; one of whom was connected with the Ordnance Office, and the other was not connected with that department. The instruction given to the gentlemen connected with the Ordnance Office was to give the benefit of any doubt he entertained against the department, and his calculation was that the extra amount paid was about 10 per cent more than should have been paid if the articles were got in the ordinary course of business. From the other calculation it appeared that the extra amount paid was 7½ per cent more than the ordinary price. The essence of the contract made with the contractor for the clothing was time, and in every instance the object was to get the article as rapidly as possible. The amount of fines imposed for the non-fulfilment of contracts amounted to about 4½ per cent; and, balancing the two figures he had mentioned, he thought the amount the country had paid for warm clothing, over and above a reasonable sum, was somewhere about 4½ per cent. There were of course some articles dearer than others. Some were got at a very reasonable price, and there were other articles for which they were charged a great deal too much. But, on the whole, the average amount paid over and above the sum that should have been paid if the articles were obtained in ordinary times, was about 4 per cent. With regard to the quality of the articles supplied, he had the advantage of obtaining the opinion of Messrs. Hayter and Powell, and the persons they employed, and they stated to him that the articles supplied were of excellent quality. He (Mr. Monsell) was firmly convinced, after a searching inquiry, that the warm clothing sent out was, generally speaking, of a most excellent quality. There was another point to which he wished to call the attention of the Committee, and that was with regard to the mode in which it was said the stores sent out to the East were packed. There was a statement in the public prints that the *Robert Lowe* transport ship had conveyed medical stores to Scutari, over which were placed cylinders of powder for Balaklava. That matter had been carefully investigated by a Committee appointed by the late Secretary of War, and that Committee unanimously reported that the charge was entirely unfounded, and that such an arrangement was, from the nature of things, utterly impossible; because the cylinders were of such enormous weight that they must be packed with great care in the hold of the ship, and could not be placed elsewhere. With regard to the *Prince*, it was stated that the shot and shell for Balaklava were placed on the top of the medical stores, but the Committee having also investigated that charge, declared it to be entirely unfounded. The neglect that had occurred in the case of the cargoes of these two vessels was not on the part of those who packed the goods, but of those who had to deliver them on their arrival at their respective destinations. The next item in the estimates was 25,000*l.* for erecting a shell factory for the manufacture of Lancaster shells. Hon. Gentlemen were not probably aware that the new invention was first submitted to the Government in the year 1852. Investigations and experiments with regard to it went on, but before the invention was quite ripe for use, the war broke out, and it was considered desirable to make use of them in the best way they could. The use of Nasmyth's hammer was necessary in the construction of the shells, and before they were sufficiently tested by experiments it was thought unwise to get a large number of these very expensive articles. The construction of the shells was very expensive, because they had to be reheated eleven times in consequence of there being only one of the Nasmyth's hammers in use. There were 1,800 shells made, and the cost of each was 6*l.* In the month of November last Lord Raglan transmitted to this country a Report from Colonel Lake, with regard to the operation of the guns and shells before Sebastopol, and that Report was extremely satisfactory. It appeared that when the shells were handled and the guns were loaded by persons who had experience in the management of them, they were on the whole—if not perfect—of very great use in the field. Therefore, it was decided by the Government that a large number of these shells should be produced with as little delay as possible. He had had the advantage of a consultation on the subject with Mr. Nasmyth, who had most liberally placed his factory in Manchester at the disposal of the Government for the construction of shells; but on finding out the plant that would be required to be erected, and having a plant already at Woolwich, he came to the conclusion that the arrangement would not be an economical one to the Government, and that they should proceed with the work in their own factory. This was accordingly done, and the factory having been completed by the great exertions of Sir Charles Fox and Mr. Henderson in the course of two months, they were now producing sixty shells a day, and would very soon be producing one hundred shells a day. Those shells would now cost about 1*l.* 16*s.* 2*d.* a piece instead of 6*l.* The next Vote which he came to in the Supplementary Estimates was for a sum of 15,000*l.* for the erection of a gun factory at Enfield. In Vote 6 of the Estimates there was a sum of 40,000*l.* demanded for that factory, making the entire sum required for it 55,000*l.* A Committee was appointed last Session to consider a proposition made on the part of the Government for the erection of a very large factory, where it was intended to have produced by machinery, at a cheap rate, 150,000 muskets a year. That Committee, however, was unfavourable to the project on so great a scale, and they recommended that a manufactory should be tried on a limited scale, which would serve as an experiment, to show the advantages to be derived from a more extensive application of machinery, besides serving as a check upon the price of contractors, and supplying a resource in times of emergency. After the report of the Committee was given in, three gentlemen went to America, namely Colonel Burn of the Royal Artillery, a distinguished officer; Captain Ward, who had devoted a great deal of his attention to the construction of small arms; and Mr. Anderson. It had been very generally stated by persons who were opposed to the proposed factory, that his (Mr. Monsell's) views were founded merely on theory, and that there was no experience to support them. The gentlemen sent out were authorised to expend in the purchase of machinery a sum of 10,000*l.*; and a little time after they had arrived in the United States they communicated with him (Mr. Monsell) on the subject of the machinery they had witnessed there. Colonel Burn wrote, stating that the more they had seen of the operation of the musket machinery in America, and the extraordinary effect it produced, the more they were convinced of the absolute necessity of a radical change in our system, and of our establishing a complete and permanent organisation to enable us to secure a continuous supply of the best article at a cheap rate. Colonel Burn also observed that, though the work of the machinery at Springfield, in Massachusetts, and at Harper's Ferry, in Virginia, differed in certain respects, according to the skill of the engineer, yet the operations were so perfect that an interchange of muskets in all their parts was made between them quarterly, and that the result was found to be the same as if they had been all produced by one engineer only. Subsequently, Colonel Burn applied for permission to spend a larger amount than the 10,000*l.* first specified in the purchase of machinery in America. He (Mr. Monsell) went with that letter to the Treasury, and subsequently authorised Colonel Burn to spend a further sum, and there was actually expended in the purchase of machinery in America a sum of 17,000*l.* When these gentlemen returned home, they brought with them a very elaborate and interesting report, stating the result of their investigations, with such ample reasons for what they stated, that it was impossible for any person to resist the conclusion at which they had arrived. They stated in their report that the anticipations entertained in this country, not only as to the rapidity with which muskets could be manufactured by machinery, but as to the cost at which they could be manufactured, were more than realised, and they expressed their conviction in the strongest manner that the experiment of establishing such a manufacture in this country would be followed by great and most signal success. The next point that called for attention was the size of the factory in which the machinery should be received. The decision to which the Government ultimately came was, that it should be a factory capable of manufacturing 50,000 muskets a year. He could state, he thought, very strong reasons to induce the Committee to agree in that decision. It was found, upon very careful calculations, that if the factory was constructed for the manufacture of one-half the number, the same staff would be required to manage it, and very nearly the same quantity of machinery. For the manufacture of 50,000 muskets per year there would be required between 600 and 700 machines, and of those machines very few would be in duplicate; there should be single machines for making single parts, and, unless they constructed their factory of a size to enable them to manufacture 50,000, they would have their machinery for half a year perfectly idle. It was accordingly decided that a factory should be prepared in which 50,000 muskets could be manufactured per annum, and directions were given to the proper officers to prepare a place for that purpose. Very strong remonstrances were addressed to the Board of Ordnance certainly against the erection of a factory at Enfield, and the propriety of erecting it at Woolwich was suggested, but they thought they should adhere to the decision they had come to, and accordingly it was resolved to have the factory at Enfield. According to the first plan for the erection of a building, the estimate was about 30,000*l.*; but the gentlemen to whom he had referred, on returning from America, where they had an opportunity of seeing the system on which the factories there were carried on, stated their conviction of the great advantage resulting from having abundance of room in the arsenals in America, and strongly pressed that the proposed size of the factory should be enlarged. Their views were adopted, and the tenders for the factory consequently amounted to about 48,000*l.* There would, however, be certain deductions from that amount, and he believed the actual cost for building the factory would be 43,000*l.* or 44,000*l.* With regard to the cost of the machinery, he should mention that, as he had already stated, the machinery purchased in America cost 17,000, but besides that they had purchased 9,000*l.* worth of machinery in this country, making the entire sum paid for machinery, 26,000*l.* During the months of October, November, and December, the Government had felt the deepest anxiety for the supply of small arms, and they had been compelled to have recourse to the markets of other countries to obtain an additional number of arms. Under these circumstances, the Minister of War decided that it was expedient that the factory should be proceeded with at once, and he authorised the Board of Ordnance to enter at once into contracts for its erection. Accordingly they did so, and at the present moment the factory was being constructed at Enfield for the sum he had mentioned. He believed they would be able to commence operations in it on the 1st of July; and although it would not then be in full operation, they might expect, even during the present year, to manufacture a considerable number of arms there. Passing from the subject of the Supplementary Estimate, he came next to the General Estimates for the year. In the Vote for pay allowances and contingencies there was an increase, as compared with last year, of 103,543*l.*, but that was owing to the addition to the Ordnance corps of half a battalion of engineers and a battalion of artillery. In the Vote for the movement of troops there was an increase of 11,200*l.*; and in the vote for recruiting, the bounty having been raised, there was an increase of 12,094*l.* He need hardly point out the necessity for increasing the engineer and artillery force—a force which was now about 7,000 less in strength than it was in the year 1814. No force in any country could have distinguished itself more than our artillery and engineer corps had done in the recent operations in the East. It was a remarkable fact that our platforms before Sebastopol had required so little repair that, although shells had exploded over our magazines, not one of them had been blown up. He should next call attention to the Vote for Commissariat and Barrack supplies, &c., on which there was an increase of 103,473*l.* The sum required for barrack supplies amounted to 355,450*l.*, including supplies for the camp at Aldershot, 36,000*l.*, for foreign troops, 40,000*l.* for the depôt about to be formed at Malta. There was a sum of 115,000*l.* for great coats, and in the amount for boots and shoes there was was an increase of 43,512*l.* The clothing for the foreign legion was 90,000*l.*, men and clothing for the militia, an increase of 56,950*l.* He might add to his former remarks respecting the warm clothing, that the Government had sent out an able and experienced officer with an experienced clerk, and some of the best labourers from the Tower, well acquainted with the package of stores, to Balaklava, there to collect the warm clothing and send them to a storehouse in the Bosphorus, with a view to preserve them for future use. Vote 3 was intended to be withdrawn. There were certain changes likely to be made in the Ordnance Office, and when those were effected, an estimate would then be presented to the House. On Vote 4 there was an excess over the last year of 19,504*l.* for Ordnance establishments. There was an increase in the home establishments, 5,954*l.*; lodging the Irish militia, 10,000*l.*; lodging the foreign legion, 2,500*l.*; and additional clerks of works, 938*l.* However, in every colonial establishment, except those situate near the seat of war, there had been a diminution of expense, and the decrease upon that head would have been greater had it not been for the necessity of forming a new establishment in the Bosphorus. Vote 5, for wages, 368,872*l.*, was 81,027*l.* in excess of last year, arising, of course, from the enormous demand for labour at the different establishments. He would call attention to one item in which there was a decrease, which must strike everybody as remarkable, and which required explanation. It was a diminution of 16,336*l.* in the amount asked for the new gun factory at Woolwich. The explanation, however, was easy and simple. In the month of May last he found that the supply of shells was very deficient indeed; and, in point of fact, if any great action had been fought, either by land or by sea, they could not have replenished the magazines, and they would, consequently, have been exposed to great danger. Finding that to be the case, he sent for an officer of the most distinguished scientific talent, who had displayed great mechanical ingenuity and inventive powers, Captain Boxer, a gentleman whose services had been so much recognised in the East. His shell had been acknowledged by all the authorities at the seat of war to be the most valuable invention that had been introduced for more than twenty years into the service. He (Mr. Monsell) sent for Captain Boxer, and pointed out to him the position they were in. Captain Boxer at once undertook to remove the difficulty, if he were allowed to make use of an old storehouse in Woolwich as a factory for the manufacture of fuses, and the "bouching" of shells. The proposal was agreed to, the necessary works were erected for 7,000*l.*, and that 7,000*l.* was saved in the first six months. Having agreed to Captain Boxer's terms, he gave him the fullest authority in the matter, and left to him the erection of the factory and everything connected with it. In that factory there had been saved to the country a sum of 1,200*l.* in one week. The saving in that factory was at the rate of 60,000*l.* a year, but he did not mean to say that 60,000*l.* had been saved, because the factory was not sufficiently long at work. If it had worked every week in the year, in the way it had worked during the week to which he had alluded, the saving thereby effected would be 60,000*l.* in the year, and he believed that there would actually be a saving at the end of the year of about 40,000*l.* The factory was not always kept at work, because it was found that it was not possible to obtain the shell itself with sufficient rapidity for that purpose. A few items would show the great advantage which the factory had proved to the country. Before its establishment there were 500 Moorsom fuses made weekly; afterwards there were 1,050, and at a saving of 141*l.* Of shells prepared for fuses there had been 3,500 per week; since the establishment of the factory the number was 10,257, at a saving in wages of 110*l.* There had been 3,000 wooden fuses made weekly, now there were 10,000, at a saving of 72*l.* The result was, that whereas in May the number of 8-inch shells in the storekeeper's departments was 4,398, it now amounted to 10,886. He was perfectly aware that this country, with its manufacturing powers so extensively developed in all articles of ironwork, ought to produce any number of shells which could possibly be required; but still the fact remained that we had now been a year at war, and that a sufficient number of shells had not been supplied. The demand had, in truth, been much greater than the supply. It was found, also, that a considerable increase had been made by the contractors in the price of the shells supplied to Government. In 1852, 8-inch shells were supplied to Government at 7*l.* 8*s.* per ton, but the price charged in 1855 was 13*l.* 16*s.*, making an increase of 6*l.* 8*s.* per ton. No doubt it would be said that this increase was caused, to a certain extent, by the increase in the price of iron; but the cost of iron of the quality of which shells were made, which was, in 1852, 3*l.* 2*s.* 7*d.* per ton, in 1855 had only risen to 3*l.* 18*s.* 4*d.* per ton, being an increase of only 15*s.* 9*d.* The amount of fuel required for the manufacture of a ton of shells was said to be five cwt., and, at that calculation, the cost of fuel for manufacturing shells would be 4*s.* 9*d.* per ton in 1852, and in 1855, 6*s.* 2*d.*, making an increase of 1*s.* 3*d.* In the same way, the labour which, in 1852, cost 1*l.* 7*s.* per ton, in 1855 cost 1*l.* 9*s.* 6*d.*, according to the authority of one of the largest manufacturing firms in Bradford—one of the principal places where the manufacture of Government shells was carried on; and, lastly, the freight from that district which, in 1852, was 10*s.* per ton, in 1855 had risen to 1*l.*, being an increase of 10*s.* This made altogether an increase in the price of a ton of shells of 4*l.* 17*s.* 11*d.* The Government, therefore, feeling the immediate want of shells—though they knew that, in time, they should be able to obtain as many as they might require—taking into consideration the great increase of the price of shells, and the advantage of putting themselves in a position to control the contractors, and being sensible, moreover, of the importance of attaching a foundry to the Royal Laboratory, where they might be able, at a moment's notice almost, to supply any number of any given sort of shells which might be wanted on a sudden emergency, had determined to establish this foundry at Woolwich; and he was firmly convinced that, had it only been established six months ago, a saving would already have been effected of more than the amount—10,000*l.*—which was asked for its construction. It would be of the greatest service, too, in enabling the contractors to learn with greater rapidity how to make the particular sorts of shells which were required; for at present considerable time was lost before they were able to construct them with that accuracy and perfection which were indispensable in these articles; and he was sorry to say that very frequently the old contractors were backward in allowing the new contractors to inspect their modes of manufacture. This Vote, however, for the shell foundry was not the only one which he was about to ask for on account of machinery in connection with the Royal Laboratory, for it must be remembered, with regard to all these works, that they were required for the manufacture of articles for which there was no demand in the country except on the part of the Government, and that the country, therefore, to be prepared for the commencement of a war, must either have kept large stores of these articles, or else have had establishments in which these stores could be rapidly replenished. Now, nothing could be more inexpedient than to keep large stores at a time when every day was bringing forth new discoveries, and when a thing that was new one day was obsolete the next. As a mere matter of economy, it was of the greatest possible importance to have an establishment where, by means of the best machinery—which would soon repay its own cost by a diminution of the expenses of labour—large quantities of these articles could be rapidly supplied, and this really was the justification of all these votes asked for on account of machinery. The saving which would result from the erection of this machinery, independently of the greater perfection and accuracy insured, would be very great. For instance, it included machinery which would manufacture 150,000 war rockets in the year (the present supply of which was most inadequate) at a saving of somewhere about 30,000*l.*; also for making 60,000,000 small arm cartridges in the year by a new patent, by which somewhere about 25,000*l.* would be saved annually. The next Vote to which he wished to call the attention of the House was the sum of 800,000*l.* for small arms, being an increase of 543,600*l.* on the Vote asked for last year. There was considerable doubt, however, whether all this sum would be expended, for the accounts which he had received from the manufacturers, both in this country and at Liege, were anything but satisfactory. On the other hand, he must say that many of the manufacturers were using great exertions, and he was happy to state that two of the principal ones the other day informed him that, with the exception of one small grievance, which he had the power of removing at the moment, they had no grievances to complain of. They were perfectly content with the way in which operations were conducted by the Government, and he trusted that, under these circumstances, they would redouble their exertions, and not allow the country to be left in the miserable and melancholy condition in which it was placed last year with respect to Minié rifles. The Vote for machinery he had already alluded to, and consequently he would now pass on to Vote No. 7, where there was an increase of 454,679*l.* over the Vote of last year. This was partly occasioned by new barracks about to be erected by the direction of the Government on the western heights of Dover, which would cost 60,000*l.*, and which he believed to be absolutely necessary to the perfection of the defences there; by new barracks at Gosport for the same purpose, which would cost 61,000*l.*; and also by the erection of permanent barracks at Aldershot, which would cost a sum of 250,000*l.* These last would be complete barracks in every particular, and would afford to the troops a permanent opportunity for concentration and acting together in large bodies, thereby giving our officers the means of learning the art, not only of commanding regiments, but also of large detachments and bodies of men. These new buildings would be erected at an expense considerably less than the barracks which it had been the habit to use in this country. The change was chiefly owing to the Commission which had been sent over to Belgium to inspect the barracks used for a similar purpose in that country. The next Vote (No. 8) related to the scientific branch, and exhibited an increase of 3,828*l.* over the Vote of last year; the increase required for the Royal Military Academy being 1,759*l.*, and for the increase for establishment at Chatham 1,924*l.* The increase in these cases was occasioned by an increased number of cadets and engineers. A great item in this Vote was, as usual, occasioned by the sum for the Ordnance survey. In respect to this matter, the Committee were aware that last year a great controversy arose on the subject of the scale, and, queries being sent out, a large preponderance of the answers were in favour of a much larger scale than six inches, and arrangements were adopted for having a scale of somewhere about twenty-four inches to the mile. At the present moment, experiments were being tried to work the survey by means of contracts with private individuals and by piecework; and he hoped that in the course of three or four months sufficient experience would be obtained to enable the Government to come to a final decision on the subject. The maps, he believed, were to be engraved by the anastatic process. The next and last Vote, for the non-effective services, military and civil, exhibited an increase over the sum voted last year of 19,659*l.* This was occasioned by new warrants; and here he might mention that he found that the junior first captain placed on the list in 1805 averaged ten years' service, and he now averaged fourteen years' service. The senior lieutenant-colonel in 1805 was an officer of thirty-two years' service, and he was now an officer of forty-four years' service. The whole sum required for the non-effective services, military and civil, amounted to 197,657*l.*

(1.) Motion made, and Question proposed—

> "That a sum, not exceeding 1,402,961*l.* be granted to Her Majesty, for defraying the Charge which will probably be incurred to the 31st day of March, 1855, on account of Barrack Supplies, &c., Wages and Ordnance Stores, &c."

Colonel DUNNE said, he understood that an unfavourable Report had been forwarded to the Government as to the unhealthy site of the proposed hospital at Smyrna. He believed it was more so than Scutari, and, after the month of May, it would be very destructive to the lives of our soldiers. He hoped that those who were qualified to give advice on this matter would be listened to. As to the supply of greatcoats to the army and the militia, he would suggest, as he conceived it impossible for the Ordnance, for some time to come at least, to furnish the necessary supply, that the colonels of each regiment should be authorised to furnish them, and should only receive the actual price. Many of the greatcoats supplied to the French army—a portion of which were lent to our troops—had actually been made in London, and yet our army was most imperfectly supplied. The boots that had been sent were all, he understood, too small, and were consequently useless. They were wanted to wear over the men's ordinary shoes, and they ought to have been made large in proportion. He wished to know whether, in the camp equipage, tents were included. Last year he had several times called attention to the state of the tents when the expedition was going out, and he observed particularly that at that time they had no lining. He had not yet heard whether that want had been supplied. He also wished to inquire why it was that the 90th, 46th, and 63rd Regiments, which had been sent out late in the year, had not been supplied with warm clothing. It was afterwards sent, but many of them never received it; the consequence was a great mortality among the men when put to work in the trenches. The 63rd Regiment was reduced to two-thirds of its number. This loss, he considered, was entirely attributable to the neglect of the Government. The Ordnance, it was true, had supplied the clothing as fast as they got the order; but the blame rested on some other department of the Government. To them it was owing that half an army had perished. The hon. Gentleman (Mr. Monsell) had referred to the Committee which sat last year on the manufacture of small arms; but it should be remembered that that Committee had none of the information before them respecting the manufacture of arms in America, which the hon. Gentleman had since received. He (Colonel Dunne) and the hon. Member for Birmingham (Mr. Muntz) had gone to Mr. Colt's manufactory and examined Mr. Colt; and they found that none of the pieces manufactured by him would fit without being filed for the purpose. If the Government had now got better information from America, he hoped the proposed manufacture would succeed as well as they anticipated. The hon. Gentleman had given a satisfactory account of the improved and cheaper mode of making shells. There had been a very prevalent idea, however, that the mortar shells at Sebastopol had not burst as they ought to have done. He hoped that this was not to be the general result of the cheapness to which the hon. Gentleman had referred. He believed that at this moment there were some 30,000 stand of arms locked up in the different barracks and storehouses in Ireland, while scarcely any of the Irish militia had arms or had been drilled. He hoped that the hon. Gentleman would report to the Minister for War the difficulty which was experienced in drilling the militia in Ireland in consequence of the want of arms. Within the last four years there had been 1,666,000*l.* expended in small arms. That sum ought to provide 350,000 stand of arms, and it had all been expended since the new pattern musket had been invented. He trusted that some arrangements would be made for the speedy delivery of those muskets. He objected to contracts being still made for arms of the old patterns.

Why should the Government contract for arms that were obsolete?

MR. MUNTZ said, he should most certainly divide the Committee against the Vote for 40,000*l.* to defray the expenses of the establishment at Enfield. It would be recollected that the Small Arms Committee had recommended some augmentation in the Enfield manufactory, but it was only to a limited extent; and that Mr. Whitworth, the eminent American engineer, on being asked what would be the expense of working the stocks at that establishment, stated it at 5,000*l.* Well, last year the Board of Ordnance asked for a Vote of 25,000*l.* on account of the establishment at Enfield; and a few nights ago the House had seen a Supplementary Estimate brought forward, demanding a further sum of 15,000*l.*; making, with the previous estimate, a sum of 40,000*l.* as the expenditure of a single year. And again, this year, a sum of 40,000*l.* was asked for the manufactory at Enfield, making the enormous amount of 80,000*l.* in all. Now, the Committee must bear in mind that last year the Board of Ordnance made good none of their promises; and in every important instance they were obliged to admit they had been deceived in their calculations. But, notwithstanding that, the parties they were now sending to America to transact their business were the very same persons by whom they had been deceived at home. Nor was the hon. Gentleman the Clerk of the Ordnance very candid in his statements. He had not told the Committee why he had received so small a quantity of arms. Now the first reason was, that the Board of Ordnance was deficient in all sorts of knowledge; and the method of its constitution was but a sample of the way in which public business was transacted in this country. Men were placed to manage all sorts of boards without any sort of knowledge of their subject. The Government had received only 50,000 rifles during the year 1854, and he would show why. First of all, although the decision of the Small Arms Committee, of which he (Mr. Muntz) had been a Member, was given in favour of continuing the contract system for some time longer as early as April, the contracts were not given out until the 30th of June. But then, when were the patterns delivered to the manufacturers? Why, not until the 10th of August; while the materials—and he would beg the especial attention of the Committee to this fact—were not supplied until November. The contracts were for 90,000 rifles, and hon. Gentlemen might rest perfectly satisfied the whole of them would have been completed before this if the patterns had been given out in time. Again, with regard to the sighting of the guns. Although that was a point upon which the most precise instructions should be given, all was left in doubt and uncertainty. But then, when the guns were finished, they could not be used until the bayonets were ready; and how had the Board of Ordnance endeavoured to supply them? Why, first they tried to get them at 5*s.* 6*d.* a piece, although they were told it would be quite impossible to manufacture them of the description required at that price. Still they managed to make a few contracts with some second-rate workmen at that rate; but afterwards, finding by experience that it was impossible to get the whole of the contracts taken up at 5*s.* 6*d.*, the Board of Ordnance consented to raise the price to 7*s.* 6*d.*, and thus they managed to disturb the state of trade most injuriously. At the present moment the delivery of rifles from Birmingham amounted to 1,600 per week, and in a little time that quantity, he had every reason to believe, would be doubled, provided always that the manufacturers were only dealt with in a fair and tradesmanlike way. Let the Government get some man of business—some one who understood the manufacture of small arms—to manage matters for them. He had gone down himself to inspect the establishment at Enfield, and he could safely say it was a most excellent one; but yet, last year, there actually was a proposal to remove the establishment to Woolwich, and thereby swamp the whole of this vast outlay. Some time ago it had been proposed that a very distinguished townsman of his, Mr. Westley Richards, should superintend, on the part of the Board of Ordnance, all matters relating to the supply of small arms. He believed, however, that some paltry question as to the amount of remuneration to be offered that gentleman stood in the way of the arrangement being carried out, although Mr. Richards could have saved the country over and over again the amount of his salary. He would only say, that if the Government expected to have a large amount of small arms supplied by the manufacturers of this country, they must alter their mode of dealing with those gentlemen. He should divide the

Committee against this Vote, as he felt unable to sanction the principle of an outlay of money, made without consulting anybody, and without knowing whether they were right or wrong. He considered the manufacture of carcass shells, as proposed now to be conducted, one of the grossest jobs ever known. In the end, the recommendations of the Small Arms Committee would be found far more valuable, and far cheaper, than those of any lot of scheming engineers.

Motion made, and Question proposed—

"That a sum, not exceeding 1,387,961*l.*, be granted to Her Majesty, for defraying the Charge which will probably be incurred to the 31st day of March 1855, on account of Barrack Supplies, &c., Wages, and Ordnance Stores, &c."

SIR JOSEPH PAXTON said, that after the experimental camp at Chobham had been established, it had been decided that it would be advisable for the Government to have at their disposal some large space for the purpose of exercising and encamping large bodies of troops, and, in consequence of that decision, a very excellent piece of land had been purchased for that purpose at Aldershot, a neighbourhood easy of access by two railways and a canal. They had heard for a considerable time that large barracks were to be erected there for the accommodation of troops which were to be ready for a large encampment in the spring. He found, however, that no steps whatever had been taken in the matter, that not even a tender was sent out before the 22nd of January, and then a tender was sent out for the erection of huts capable of accommodating 20,000 men, which huts were to be completed by the 15th of March. It struck him at the time that it was somewhat extraordinary that the Ordnance should allow so short a period as six weeks for erection of those huts, and he therefore entered into a calculation as to the amount of labour and material necessary for their erection. He found from that calculation that, from the number of trains required each day to carry the necessary materials, it would be impossible between the time the tender was accepted and the time fixed for the completion of the contract to supply those materials on the spot. He found also from the specification that the timber was to be fir from Memel, Riga, and Dantsic. More than three-fourths of the material used was to be yellow Christiana deal, and it would be found, on inquiry of any merchant or contractor, that there was not enough wood of this description in Great Britain to erect one-half of the huts required. It was utterly impossible that the huts proposed to be erected could be completed in six weeks without a very large additional expenditure beyond the estimate. About a fortnight after the 22nd of January the Ordnance Office issued another tender for bricks and concrete to form the foundations of these huts, so that only a month was allowed for laying the foundations and completing the erection. It was next to an impossibility, therefore, that the buildings could be finished within such a period, but if the huts were completed by the 15th of March he would willingly admit that it would be one of the most wonderful things ever accomplished in this country. It was not until the 22nd of January that the Ordnance issued notice for tenders for the erection of permanent barracks. The conditions of tender were, he believed, that 9,000*l.* or 10,000*l.* a month should be spent upon these barracks, as he supposed, until they were finished. He found, however, that no sort of preparation had been made upon the ground to enable the contractors to commence their work. Had the Ordnance issued contracts last summer for making 20,000,000 bricks, and laid down a branch railway to one of the lines in the neighbourhood, he did not think it would have been necessary to provide one-half of the huts which were now to be erected at so large a cost. The consequence of this was, that they must pay a very considerable sum, which it would otherwise have been unnecessary to expend, in consequence of the precipitate manner in which the operation was conducted. He believed the best plan would be for the Ordnance and all the Government departments where the application of materials was concerned, to do as little as they could avoid out of their own offices. He had no doubt, if plans and estimates had been obtained by tender last year for erecting these barracks, that not only would there have been a considerable saving of money, but that the barracks would by this time have been ready for the occupation of the soldiers. He had heard it stated, indeed, that the reason why Messrs. Fox, Henderson, and Co. had carried out so successfully the various works they had undertaken was because, when the plan was laid down, they would not allow any one to interfere with them. With regard to the proposed manufactory of small arms at Enfield, he considered that it was a very bad principle either for individuals or companies to attempt to manufacture everything they wanted for themselves, unless they were certain the demand for the articles would be regular. He could not conceive that this country would always be at war, and, consequently, he thought it would be very impolitic on the part of the Government to have large establishments for the manufacture of materials which were needed in time of war, but which would not be required in a time of peace. Such a system would have a bad effect, with respect to small arms, upon private manufacture, especially in Birmingham. If the Government established a factory at Enfield, and consequently discouraged private manufactures, where would be the means of obtaining an additional supply of arms during a time of war if any sudden pressure occurred which the Government might be unable to meet from their own resources? He thought the preferable course would be to employ such men as Mr. Whitworth to ascertain the best mode of manufacturing small arms, and then, giving such information to the manufacturers, to leave them to perform the work.

Lord SEYMOUR said, that he had been a member of the Committee on small arms last year, before whom it was stated that the price of 3*l.* for a rifle was too high, and that such arms could be manufactured for a much less amount. The Committee were told that, if a little ornamental decoration, which was perfectly useless, was dispensed with, rifles quite as good as those now made could be produced at a saving of at least 15*s.* upon each rifle. The Government, however, would not give way on the point, and reduce the price by dispensing with unnecessary ornament. They said they must have rifles of their own manufacture, and that they could be made by machinery. When the Government were asked for an example of the manufacture of rifles or muskets by machinery, they said, "The Russians have such machinery already. They have got a far better musket than you have. They have the machinery, and you have not advanced in this respect so far as they have done." This statement occasioned some surprise, but he thought the actions in the Crimea had shown that our rifles were at least not inferior to those of the Russians. He certainly considered that, when an order was given for any description of arms, a pattern ought to be issued. If a gentleman gave an order for a quantity of ironmongery, would he not give out a pattern of what he required, even down to a poker? The Government, however, did not issue any patterns for arms. It had been insisted upon in the Committee that every contract ought to bear date from the issue of the pattern, but the returns which had been furnished gave no account of the date when the patterns were given out. The Government complained that the contracts were not completed, but how could they be completed when no patterns were issued to the manufacturers? The Committee was now asked to grant 40,000*l.* to the Board of Ordnance for the establishment of a manufactory of small arms at Enfield, but they were told that the arrangements of the existing Board of Ordnance had been so unsatisfactory that they were not to manage these matters for the future. They did not know, therefore, to whom they were going to intrust the expenditure of this large sum of money. It had been proposed last year that the House should grant some 25,000*l.* or 30,000*l.* to try the plan of establishing a manufactory, and to see how it answered. Government promised last year that if they got the money they would not only have the factory established, but the rifles produced; and he now wished to know if the Government works were so far advanced that some portion of the firearms was ready, or were hon. Members to be called upon to vote another 40,000*l.* in the dark? They were asked to place this sum in the hands of the Board of Ordnance, and at the same time they were not told who was at the head of that Board. As men of business, they ought not to be called upon to vote money until they knew to what sort of establishment it was to be given. For his own part, he believed they would obtain the weapons much more rapidly by dealing with the trade in a fair manner. He did not think they had dealt fairly by the trade, but on the contrary, he thought the speech of the hon. Member for Birmingham (Mr. Muntz) plainly showed that the Government had not treated the trade in a business-like manner. If he were desirous of giving an instance of the mismanagement of a public department, he could not adduce a more striking case than that of the Board of Ordnance. With respect to the proposed camp at Aldershot, he observed that no less a sum than 375,000*l.* was to be expended for barracks there during the present year. Now, he thought it was to be a sort of encampment, and that soldiers were there to be prepared for actual service; but he was afraid the men were to be so luxuriously housed, that they would be rendered totally unfit for real warfare. Did they mean to stable the horses in the same way as in cavalry barracks, where the animals were unfitted for work in the field? For military operations he doubted whether that mode was a wise one. When he looked at the large sum of 375,000*l.*, he was curious to know whether the Government had asked Sir Charles Barry to build the barracks at Aldershot. Again, the Committee was asked to vote a sum of 60,000*l.* for barracks at Dover. Who was going to look after their erection? No private individual would dream of commencing to build a house at the very moment he had dismissed his clerk of the works. Yet that was the very thing which the Government now proposed to do. They had got rid of the Board of Ordnance, and yet they came down and asked the Committee to vote 60,000*l.* for the erection of barracks at Dover, which, he presumed, had nothing to do with the war with Russia. Again, the Government asked for a considerable sum for the defence of commercial harbours—12,000*l.* for Liverpool and 10,000*l.* for the Humber. Now, that measure might be necessary; it was possible that our fleets could not defend our coasts from the Russians; but he did not think it would be wise in the Committee to vote so large a sum of money until they knew something of the establishment under which it was to be expended. He had heard no reason whatever for departing from the principle laid down last year with regard to the establishment at Enfield, and unless the Government could give them one, he should be disposed to reduce the vote by a sum of 40,000*l.*

Mr. G. DUNDAS said, he was surprised at the hostility evinced by several hon. Members to the manufactory at Enfield for making small arms by self-acting machinery, under the surveillance of the Government. Last year, when there was not such a demand for arms as there was now, objections might fairly enough have been raised to that establishment; but he must confess that he was at a loss to understand the opposition to it in the present emergency, unless, indeed, it was to be attributed to a desire on the part of hon. Gentlemen who represented manufacturing districts to support the interests of their constituents. The question before the Committee was, whether small arms should be made by hand, in the old-fashioned way, or by means of machinery. It had been said by the hon. Member for Birmingham (Mr. Muntz) that the evidence taken before the Committee last year went to show that the Government were entirely wrong in their views. Now that he considered was quite a matter of opinion. He thought the Government proved their case most completely by the evidence of scientific men, all of whom concurred in assuring the Committee that it was most desirable that self-acting machinery should be adopted wherever it could be employed, so as to make the Government independent of the caprices of workmen and manufacturers. Twelve years ago he visited a manufactory of small arms at Springfield, in America, and he never was more pleased with anything than with that. Every part of a musket was there made by self-acting machinery, and the persons employed were comparatively unskilled; in fact, the establishment altogether bore a striking resemblance to that of Colonel Colt, not far from where he was now speaking. He trusted the Committee would adopt the suggestion that had been made by the clerk of the Ordnance, and not go to a division on the Vote.

Mr. LAYARD said, the Committee had heard in the course of the discussion several pleasing instances of the neglect, mismanagement, and ignorance of the Government departments. The observations of the hon. Member for Birmingham (Mr. Muntz) and of the hon. Member for Coventry (Sir J. Paxton) could not fail to make some impression on hon. Members. These exposures were coming to be too frequent; and, what was very curious, they never heard of any person being punished on account of these things. There was one subject upon which he would like to have some explanation from the clerk of the Ordnance—he meant with respect to the fusees. He could bear witness to the fact, that the fusees issued during the early part of the siege of Sebastopol were so disgracefully bad, that out of every ten shells thrown, no more than three or four burst at all. He believed a Report was made to the head of the department upon the subject, representing that gross negligence had been shown in the construction of the shells, and he should like to know whether that Report, drawn up in the middle of last October, had been sent to this country, and whether in consequence any steps had been taken to investigate the case, and punish the guilty parties, whoever they might be? There was another question which he should also like to put to the hon. Gentleman. He observed in the Estimates a sum of 50,000*l.* for clothing, accoutrements, and knapsacks to the foreign legion. Now he should like to know where that foreign legion was? They had heard a good deal of it; the Bill for its embodiment was pressed upon them in a very hasty manner at the end of last year; but up to the present day he did not know where this mythical legion was, of what it was composed — whether of Austrians, or Germans, or Spaniards, or Dutchmen—or why they were asked to vote 50,000*l.* to dress these men of straw. Supposing, however, this foreign legion had been collected, had they been consulted with regard to their clothing, or was the Government going to provide for them trousers which were too short, and shoes which were too small—in fact, all that precious collection of dress sent out to our unfortunate troops in the Crimea? Then, again, with regard to the knapsacks. He had made some inquiries upon that subject while in the Crimea, and universal testimony was borne to the great superiority of the French knapsack over those supplied to the English army, which were heavier than those of our allies, and more galling to the soldier. Now, it would, he thought, be only fair to the Members of the foreign legion, wherever that might be, that they should be consulted as to the kind of knapsack and of accoutrements with which they were to be furnished. He wished also to touch upon another point. There was a large sum in the Estimates for the engineering department. Now he did not intend to depreciate the ability of our engineers, but he thought the hon. Gentleman (Mr. Monsell) was, no doubt, aware that, whatever the actual execution of that work might have been, the theoretical engineering work of the English army in the Crimea was not very creditable, and that not a single map of our siege operations before Sebastopol had been sent to this country, nor did he believe that (until lately, at all events) any such map was prepared by the officer in command of that department. Such a state of things, he believed, certainly did exist as lately as the end of the month of December, and he repeated that it was not creditable to this country. An hon. and gallant Member had referred to the proposed hospital at Smyrna. Now it was stated by a Member of the Government on a previous occasion that this hospital was merely intended for winter and not for summer. But the winter was almost passed, and summer was rapidly approaching in that country, and it was only to-day he read in the public papers that nurses and attendants were sent out to the Smyrna hospital. Now Smyrna was a very unhealthy place in summer. There was not a single English family resident in it who did not leave it during summer. Surely we had lost life enough already, and ought not to throw more away in this wanton manner. He did entreat the Government not to go on in this way any longer. The country was too excited with its losses to tolerate such conduct. Why, the hospital at Smyrna was built in the corner of a bog, at the lowest and worst part of the town, and in a few weeks the place would be afflicted with gastric fever, which always raged there in summer. He also desired to call the attention of the Government to the state of Balaklava. That harbour was a hole, surrounded by lofty mountains, and when the warm weather came they would have a plague breaking out at Balaklava, and perhaps carrying off every man there. He did entreat the Government to reflect upon that subject. Another subject to which he would refer was the Turkish contingent, which was to consist, as they had heard, of 20,000 men, to be commanded by English officers. Now, he knew nothing of the officer appointed to the chief command of that contingent, except that he was related to a noble Lord in the other House, but he saw that upon his staff already appointed was a relation of the noble Lord at the head of the War Department. General Vivian might be a very able man, but he was afraid that all the other qualifications he might possess were not sufficient to overcome his want of knowledge of the country and of the character of the troops he would have to command. He (Mr. Layard) did not think this Turkish contingent would answer. If the Government had sent out a sum of money to enable Omer Pasha to feed and support his men some months ago, they might have done some good; but he did not think that English officers alone would succeed in such a service. The Turks made admirable soldiers, and he was glad to see that Major Nasmyth, at Edinburgh, the other day, bore ample testimony to their bravery; but he did not believe that such a body as that now proposed, commanded by an English officer, ignorant of the country and ignorant of his men, would answer the expectations formed of it.

Mr. NEWDEGATE said, that he had served on the Committee last year to consider the supply of small arms; the appointment of that Committee was the result of the proposal of the Government to found an arms factory, on the plea that they could not procure arms from the trade. The hon. Member who had spoken last but one (Mr. Dundas) had been a Member of that Committe; he heard the evidence, which decided the votes of the majority of that Committee against the proposal of the Government, who had sanctioned the appointment of that Committee; but the hon. Member had twelve years before seen the arms factory erected by the Government of the United States at Springfield, and therefore he could not believe that arms could be procured elsewhere than from a Government arms factory. He was an illustration of the fact, that there are some men who cannot learn. It was proved before that Committee that the arms trade of England had not only supplied the Government of this country, when fairly treated, but had at different times supplied large quantities of arms to the French, to the Spanish, to the Portuguese, to the Peruvian Government; in short, at different times, they had supplied large quantities of arms to the Governments of almost every country, and constantly supplied the whole quantity of arms required for our Indian army; and yet the Government departments wanted to persuade the House that the arms trade of England could not supply the English army, although a committee of the United States' House of Representatives had, in their report on the application for a renewal of Colonel Colt's patent, termed England the heart of the arms trade of the world. It had required some contrivance to establish even a seeming ground to so untenable a proposition; so Mr. Lovell, who had been inspector of small arms for the Ordnance for some years, had during the years 1851-2-3 established such stringent regulations for viewing the materials for arms, sent in by the trade, that one of the Government viewers, in his evidence, declared that it was impossible for the trade to supply materials for 25,000 arms at the price given by the Ordnance subject to those regulations, and that he had been compelled to reject quantities of serviceable materials. Even this, coupled with the fact that the expenditure for small arms had been reduced from the average of 135,000*l.* a year, which had prevailed during the previous eight years, to 62,000*l.*, as the average of the three years 1851, 1852, 1853, had failed completely to prevent the supply being furnished by the trade; so Mr. Lovell compelled the Government workmen to put the sights on the first 20,000 Minié muskets ordered by the Government crooked, and, though warned of the fact, placed those arms thus mutilated in the hands of the Guards, by way of the illustration of the injustice at that time perpetrated by rejecting good materials. He would mention a fact; Mr. Lovell was appointed one of the judges for the Great Exhibition in 1851; a manufacturer of musket locks sent a lock for exhibition which had been rejected by the Government viewers, and Mr. Lovell, as judge, gave a first-class prize for the very lock which had been rejected under his own directions as unfit for the use of the army. By such unworthy means the arms trade had no doubt been injured and discouraged; and Sir Thomas Hastings, on the part of the Board of Ordnance, declared in his evidence that the trade could not be relied upon to produce 25,000 arms in the year for the use of the army. But what was the fact? Notwithstanding the mismanagement and misconduct of the officials of the Ordnance, notwithstanding the delay of orders, and of the delivery of patterns, which the hon. Member for Birmingham had described, the arms trade had furnished from 40,000 to 50,000 arms in the last year, almost all of the Minié construction, or nearly double the quantity Sir Thomas Hastings had stated as the maximum of their production. What happened last year? The Government came down to ask a vote of 100,000*l.* for an enormous Government Arms Factory, at the end of February. The House appointed the Small Arms Committee, that commenced their inquiry on the 2nd March. Upon the 7th April that Committee came to a Resolution that a factory upon a small scale should be adopted by the Government, but that the system of obtaining supplies of arms by contract from the trade should be continued. Well, if there was a real pressure for arms they ought to have sent an order to Birmingham. But they did not send such order. The Committee finally reported on the 12th of May. But no order was sent down by the Government for any such quantity of materials for arms as would enable the trade to cast aside their private orders and apply their whole resources to the service of the country till the 22nd of June. The noble Lord the Member for Totness (Lord Seymour) had very properly stated that an order for arms without patterns was merely waste paper. The manufacturers were required to supply an article made to one-thirty-thousandth part of an inch in accuracy. It was therefore impossible for them to produce such a weapon without a pattern. How was it possible for a man to work within one-thirty-thousandth part of an inch from a pattern that he had never seen? On the 21st of February, 1854, the Board of Ordnance entered into a contract for setting up—that was, putting together—20,000 muskets of the new pattern, which, compared with the quantity required, and the capabilities of the trade, was a small quantity; but when they did that they omitted to order the sights, so that literally they ordered the muskets to be set up without the sights; the pattern for the sights was not furnished till the middle of March. The first order for locks for the large order for 90,000 arms, which the Government were at last induced to give, was issued on the 30th of June, but the patterns were not delivered till two months later; the sights were ordered on the 30th of June, but the patterns were not delivered till the 11th of August; the rammers were ordered on the 30th of June, but the patterns were not delivered till the month of October. An order was issued for 30,000 bayonets on the 7th of August, and it was a part of the contract that they should be delivered on the 1st of September, but the pattern was not supplied the contractors till within a day or two of the date for delivery of the article. The Ordnance now came down to the House, and declared that they could not get their orders executed. Why, it was morally impossible that they could be; and he contended that the country owed a debt of gratitude to the hon. Member for Birmingham (Mr. Muntz), for having day after day devoted himself to obviating the difficulties which the mismanagement of the Ordnance had created. He believed, that with fair play, Birmingham, instead of having produced from 40,000 to 50,000 small arms within the year, would have produced 100,0000. He said a year; but the dates of delivery of the patterns showed that it was within the last six months that most of the work could be done, for the manufacturers could not get on with the work until they had the patterns, and these they had had only six months. It had been stated in the public press in November that the Birmingham manufacturers were greatly deficient in meeting the exigencies of the state. Well a meeting of the manufacturers was called, and it was found, that, though it was the period of the year when the days were the shortest, there was not a single gas-light in any of the Government manufactories or view rooms, and the men were working only seven hours a day, and that the staff was so deficient that there were 10,000 musket barrels lying in the view-rooms uninspected, and thousands of other materials. The Government now came down to the House of Commons and asked it to vote 40,000*l.* for Enfield, 15,000*l.* postponed from before Christmas, in addition to 25,000*l.* in 1854. In other words they were asking the Committee to vote precisely what it refused them last year, on the ground that the trade had not supplied what their own negligence had prevented. The Small Arms Committee had reported that the system adopted towards the trade was a faulty one, and prevented their procuring the necessary supply of arms. The system, however, still remained unchanged. The Government relied upon Mr. Whitworth as a great authority on all mechanical subjects. What did Mr. Whitworth say in his evidence with regard to the system of having a separate contract for each part of the musket, and another for setting the parts together? Why, that it was simply absurd; contrary to mercantile principles, and the development of the arms trade, and altogether incompatible with success. Previous to October last there were only four contractors employed to set up the arms—that was, to put the locks, barrels, and stocks together, and make them into arms. The Government being at last persuaded that there were not sufficient contractors employed to do the work, appointed thirteen contractors more; and the seventeen together employed the whole of the labour of Birmingham. But in January they added another contractor. Of course he was a gun-maker; it would not be supposed that they would set anybody but a gun-maker to do the work! Would it be believed the Government actually gave the contract to make guns to a sword-maker who had not a workman in his employ fitted for, or instructed in, gun-making, and who, as the only thing he could do under the circumstances, went and bribed away the workmen from other contractors? Surely an occurrence of this nature was of itself almost sufficient to stop the work. There, then, was another instance of Government management. He might go on at yet greater length, detailing case after case, illustrative of the utter want of business management, and the total neglect of the merest commercial principles, which marked the transactions of the Government with the gun trade. Under the present system this must be the result. Let the Committee for a moment consider what that system is. They had. first, the Small Arms Committee at the Horse Guards to decide upon the pattern for the arms. These Gentlemen were, doubtless, very good soldiers and excellent officers, but not one of them knew how to make a gun more than he knew how to make his own watch. Yet to such men as these they left the question of what patterns the arms should be. They came to their decisions without possessing any experience or knowledge as to whether the arms could be produced according to their pattern, at a cost that would be paid for a weapon to be placed in the hands of the soldier. The next process was this—the Small Arms Committee, having decided on the pattern, sent it to the Ordnance; but amongst the officers of the Ordnance there was not a man who knew aught about gun-making; but they sent for the inspector of small arms. Well, it appeared that a former inspector had had the sights of 20,000 muskets put on crooked; that he had wilfully put those crooked-sighted muskets into the hands of soldiers destined for the Crimea, and that, if it had not been for the trade of Birmingham warning the Guards, they would have been sent out to the East with these mutilated arms. This showed how little the Ordnance could control their subordinate—the Inspector of Small Arms. True, they had now a respectable inspector of small arms in Mr. Gunner, but he was deficient in mercantile, though not in mechanical, knowledge; and while the muskets and materials for muskets came in at the rate of 1,600 per week —the rate at which they were at present produced—they could not expect him to be always in his place as a referee between the manufacturers and the viewers, and at the same time to be travelling throughout the districts where the construction of the several parts of the musket was carried on, for the purpose of seeing that the articles produced were of such a quality that they would eventually form a good musket, and were in course of production in such relative quantities that they would be ready for "setting up," that is, to be made into muskets at the time required. Why, it was physically impossible for any man to do both these things. What they wanted, therefore, was a well-qualified Commissioner to watch the progress of the trade, and to see that the several parts of the musket were produced by the time they were required. They had no officer of the kind, and the consequence was the creation of great confusion; but there was no blame to be attributed to the trade, who had produced within the year, and in the face of the greatest difficulties, nearly double the quantity of muskets that Sir Thomas Hastings had assigned as the maximum of production. If they only employed a business man to regulate the trade, as every commercial firm and as every foreign Government did, he (Mr. Newdegate) was convinced that we had in England available now, not six months hence, when it was said the proposed factory would be open, the power of producing arms as good as any manufactory that the Government could establish. It was absurd to suppose, however, that the trade could enter into large engagements so long as they knew they were in danger of being superseded. And the most effectual way of stopping the power of production was for the Government to commence a factory, by which means they would give an assurance to the trade that they would not get a return for the capital it had invested in machinery. The hon. Member for Linlithgowshire (Mr. G. Dundas) had spoken to-night as if there were no machinery employed by the trade. He could assure the hon. Gentleman that the most perfect machinery in the world was used in Birmingham for the manufacture of barrels—that machinery was used for bayonets and locks; in short, of every part of a rifle except the stock; and, according to the showing of Mr. Anderson, who recommended the Government factory, the form of the stock upon which the Government had insisted was such that it could not be made by machinery. He had heard it stated that Government had determined that, not being able to get a sufficient supply of small arms in England, they would get it from abroad—not insisting, however, upon the musket being so highly finished as it was in this country. Now, if the Government had been content with an efficient arm—not enhanced in price, and delayed in production, by unnecessary "finish," or fashion, but serviceable, strong, well-bored, and with a good lock—they might have had double the quantity they were now receiving from the English trade. But they confined the trade to an expensive pattern, threw every impediment in their way that stupidity and want of business habits could suggest, and then complained that the trade of England could not supply the wants of the State. The plan embodied in this Vote was not, he was satisfied, intended to meet the emergency of the war in which we were now engaged. Nothing of the sort. If the Government factory had been commenced in March, 1854, according to Mr. Nasmyth, it would not have produced a musket till July or August, 1855. The fact was, that the Government had determined on taking the supply of arms from the trade of England, he knew not why, perhaps because they were actuated by a professional jealousy. The Small Arms Committee at the Ordnance Office would not admit the fact that gun-makers could make guns better than they themselves could. They were, therefore, determined to have it in their own hands, so that they would not be interfered with by practical men. They were jealous of suggestions; excluded them whenever they could; and, he believed, that they intended to exclude the intrusion of civilians by putting some artillery officers at the head of the factory, that they might study a trade to which they had never been apprenticed; no doubt they would bribe the best hands they could get; then they would come down to the House of Commons and exclaim, "See what an economical and efficient arrangement we have made!" By using the resources lavishly of the State they might no doubt supersede the trade. Thus, while they delayed the production of arms, they would manage to deprive the country of that great resource—that vast power of expansive production—which supporting her trade had hitherto afforded her, and which had not failed her in the present emergency.

MR. MONSELL said, he had never heard, since he had had the honour of a seat in the House of Commons, a statement which he could declare of his own knowledge to have been more entirely unfounded and erroneous than the one just made by the hon. Member for North Warwickshire; and this he thought he could prove to the satisfaction of the Committee. In the first place, the Board of Ordnance was accused of having insisted on a most elaborately finished gun, with a great many artistic devices about it which were utterly useless. No one attached more weight to the authority of Mr. Westley Richards than the hon. Gentleman who had just sat down. When the Committee of which the hon. Gentleman was a Member had closed its inquiries, the Board of Ordnance asked Mr. Westley Richards what alterations he would recommend in the musket. Mr. Westley Richards most kindly devoted himself to the consideration of the subject, and suggested certain alterations, every one of which were adopted by the Board of Ordnance, and that was the answer to the noble Lord's (Lord Seymour's) charge of delay with regard to the pattern, for how was it possible to make changes without some little time being bestowed in considering what changes were desirable? Upon Mr. Richards's recommendation a pattern was adopted, and by that pattern the guns were now made. [MR. NEWDEGATE: "That was in 1853."] That remark reminded him that the hon. Gentleman had indulged in denunciations of past times, and, for the purpose of censuring the Board of Ordnance, had raked up the ashes of Mr. Lovell, who died long since. But these charges against the Board of Ordnance could not be sustained. In the presence of the hon. Member for Birmingham (Mr. Scholefield) two contractors called at the Ordnance Office to make some complaint with reference to improving the stock of one of the guns. The representations they made were immediately attended to. He then asked the two gentlemen—one of them was the Chairman of the Association of Gunmakers of Birmingham—whether there was anything else with which the trade of Birmingham found fault? and those gentlemen replied that the Government was doing everything in the world that was right with respect to the Birmingham makers. Notwithstanding that, the hon. Gentleman (Mr. Newdegate) endeavoured to raise a cry against the Government by denouncing these dealings with the Birmingham trade, and attempted to induce the Committee to reject a measure of the highest importance to the country. Now, what were the arguments in favour of a factory? Three gentlemen—Colonel Burn, assistant-inspector of artillery; Captain Ward, who had paid great attention to the subject of small arms;

and Mr. Anderson, one of the most eminent mechanists in the country—proceeded to America, investigated most closely the American gunmaking trade, saw all that was done in the American factories, and made an elaborate Report, in which they assured the Government they could make these muskets as perfect as the Minié, at a cost not exceeding half that which the Government was paying for them, and now they were told that was an object of no importance, and which they ought not to secure. The hon. Gentleman talked of showing a good balance-sheet, as if he could not call for Returns, supposing any one were dishonest enough to present false accounts to Parliament. Those accounts, showing every single halfpenny expended, and the number of muskets made, would be presented at the end of every year, that the House might judge whether the factory ought to go on or not. The hon. Member for North Warwickshire had endeavoured to make it appear that there was an opposition between the Government factory and the gun trade of the country. But if the hon. Gentleman would reflect upon what was the number of arms required at home, abroad, and in the colonies, he would see at once that the gun trade of Birmingham need not be afraid in the least degree of having their orders stopped for many years to come. He did not think such an idea had entered the heads of the Birmingham gunmakers, for he had told them to make muskets as fast as they could, and the Government would take all they could produce. It had been said that the patterns for the arms had not been put into the hands of the gun-makers in proper time; but that could be a matter of comparatively small importance, provided the materials for those arms had been furnished in due course. Such had been the case, and the charge which the Government had brought against the gunmakers was, that materials having been placed in their hands in good time, they had not been sent out on the day appointed. But, passing over that subject, he should remind the Committee, in conclusion, that we had now, 26,000*l.* worth of machinery—17,000*l.* worth having been procured in America, and 9,000*l.* worth in this country. A contract had, in the month of December last, been made upon the part of the Government for a manufactory in which that machinery might be set up; and hon. Members did not hesitate to rise in that House to oppose a vote for such a manufactory, thus doing their utmost to render completely useless the large amount of machinery which had been purchased. For his own part, he was of opinion that the proposed factory, if established, would be of considerable advantage to the artisans of Birmingham, inasmuch as it would furnish them with models of the various descriptions of machines which in the making of arms it was desirable to employ. He should, therefore, beg the Committee, by agreeing to the Vote, to enable the Government to place in the hands of our troops, in sufficient numbers, such weapons as those by which the victories of Alma and of Inkerman had been achieved.

Mr. NEWDEGATE said, that the hon. Gentleman who had just sat down had, in the course of his speech, stated that Mr. Westley Richards had entirely approved of every part of the present musket.

Mr. MONSELL: What I said was, that the musket now being manufactured was being made in accordance with the pattern which Mr. Westley Richards recommended.

Mr. NEWDEGATE: He wished to know if the sight, as at present arranged, had been recommended by Mr. Richards? He happened to know that such was not the case; and while upon that subject he would read to the Committee a paragraph which appeared in the *Times* newspaper of the 27th ultimo. The correspondent of that paper at the seat of war wrote as follows—

> "It may be remembered that some time ago I called attention to the curious arrangement of sending down each sick man with his rifle and pouch filled with cartridges. The rifles are put into store, and the notion was that the sick man might return to use them. Alas, the expectation has been too often unfounded; and the muskets have been left to lie in damp till they are covered with thick rust. The rifles and muskets gathered up from the battle-field have been left frequently in the same condition. Just see the result. When the last battalion of the 71st regiment came here they were provided with 400 of these Minié Rifles from store; 400 of the men were left with the old firelock. On the morning of the first day after they landed the regiment was marched out to support the Rifles against the expected attack of the enemy on the heights. Their rifles were thick with rust, but they loaded them as usual. Yesterday, when they tried to fire off the charges, not one-half of the rifles went off. That would have been the case had the enemy come on, but it would not be so again, for now the arms are cleaned and fit for use. Surely they ought to be kept clean and fit for use in store? The men are not provided with apparatus for drawing the Minié ball; in order to clean the piece it must be discharged."

Now he should put it to the hon. Member

whether Mr. Westley Richards, a gentleman who deserved well of the country, had not gone to the Ordnance and told the heads of that department that the wrenches for drawing the balls of the Minié musket would not answer the purpose; and whether they had not assured that Gentleman that those wrenches were perfectly efficient? "He should also wish to know whether the Ordnance Department had not now in their possession wrenches which Mr. Westley Richards had proposed, and by which the great inconveniences to which our army before Sebastopol was in that particular subjected, might be obviated?" He knew it to be the fact that the Ordnance Department had in these two and in other instances departed from the recommendation of Mr. Richards; and they, therefore, had no right to lay to the charge of that gentleman difficulties for which they alone must be held responsible. The hon. Gentleman had stated that the circumstance of the patterns not having been furnished to the gun-makers had nothing to do with the delay to be attributed to the setters-up in completing the arms. But the materials had not been furnished in proper time, and hence was it possible that that delay should not have taken place. "The supply of arms from Birmingham had diminished to 1,500 per month, in consequence of there being no materials for the setters-up to put together." The Government were, however, at present in receipt of that number of muskets; and if the trade were not impeded that number would increase to 2,600; but if the Government were to establish a great factory they would destroy the confidence of the traders and diminish the supplies. No trader would work except he expected to make a reasonable return, and if the Committee were to sanction the proposal of the Government they would be supporting their determination to supersede trade.

LORD SEYMOUR said, the hon. Gentleman the Clerk of the Board of Ordnance had undertaken to defend his department, which both that House and the Government had condemned. But he did not wish to say anything more on that subject, for the Board was now done away with. The hon. Gentleman had said that he did not wish to deprive the makers of the rifle which had won the battle of the Alma and of Inkerman of the advantage of still making them. But who did make them? Why, they were made at Birmingham. And yet the Government wished to have a factory of their own, and asked a Vote of the large sum of 80,000*l.* that they might establish one. Therefore, so far as the fact went, all that the hon. Gentleman had said about the battle of the Alma and of Inkerman was a mere poetical notion. The hon. Gentleman had stated some reason why a pattern of the guns was not delivered. But it appeared that the Ordnance did not absolutely know when the pattern was delivered, and on that point the whole question turned. Was that the way to transact the business of so important a department? The Ordnance had treated the matter with neglect. What the Committee wanted to know was the price, and a Committee upstairs suggested that 30,000*l.* should be expended to make the trial; that the best machinery should be got and the rifles produced. That was promised should be done in eighteen months; but after ten months, and when the money had been spent in machinery, they came before the House, and asked for more money to erect buildings. Such treatment was not fair, and to be told that unless 80,000*l.* were granted the whole matter must be stopped was nothing less than the violation of an engagement. He did not look to the interests of Birmingham, but to the important question, whether it was desirable for Government to manufacture these arms. He doubted whether it was at the time, but had no objection to the trial. At present that trial remained to be made, and, although the hon. Gentleman stated the Ordnance could make them at less price, he thought, before large sums were voted for that purpose, the assertion ought to be proved.

MR. JOHN MACGREGOR said, that while he was willing to vote with the most lavish generosity every sum of money actually necessary for bringing to a conclusion the present war, he thought a strict scrutiny should be made of the various items proposed. He had the greatest faith in the noble Lord at the head of the Ministry, but thought a most unfortunate selection of men had been made in the formation of the Ministry.

VISCOUNT PALMERSTON said, he had heard with great surprise and astonishment the opposition which had been made to this Vote. We were engaged in a war which, by universal consent, it required the greatest exertion to conduct with success. It was well known that owing to various circumstances we had for some years past suffered from a great deficiency in the supply of small arms for the army. A proposal was made for the establishment of a factory which would not probably at any early period enable the Ordnance to furnish the number required, but which would contribute to furnish our army with an excellent weapon, and which might probably in course of time render them independent of other sources of supply, or, at all events, enable them to command those sources on moderate and reasonable terms. Yet, at this very moment, when we required every exertion possible to furnish our army and militia with arms, when it was well known that in Ireland some regiments of militia were, he might almost say, doing duty with broomsticks for want of muskets to put into their hands—hon. Gentlemen got up, and, upon various pretences, endeavoured to prevent the country from having the advantage of the establishment which this Vote was intended to afford. Of all reasons on earth, the reason of his noble Friend behind him (Lord Seymour) seemed to him the weakest he could possibly imagine. He forsooth opposed the Vote because the Government was going to reorganise the Ordnance Department, to improve its organisation, and to make arrangements by which errors and delays which had occurred at former periods might be prevented. For that very reason, because the department was going to be made more efficient, and more capable of performing the public service with promptitude and accuracy, his noble Friend objected to the Vote which was now proposed. What would he have said if the contrary had been the case; if the Government had said that that department of which he complained was perfect and wanted no improvement; if they had announced to the Committee that they were not going to make any alteration or any improvement in the arrangement of the civil department? His noble Friend would, doubtless, then have turned upon them and said, "Then I refuse you the Vote. You won't improve your system; you won't make a better organisation of the executive departments which are to carry this service into practice, and therefore I refuse." Now, because they were going to do the very things which he had urged them to do, he made that a reason for refusing to the public the advantage of the establishment which they now asked the Committee to give them the means of providing. He (Lord Palmerston) did trust that the Committee would rise superior to these miserable quibbles. He trusted it would not allow itself to be made the victim of local interests, or of interests connected with particular places and particular branches of trade. We wanted to make use of all the sources of supply which we could possibly obtain. We wanted all that Birmingham could afford us. We had been obliged to have recourse to Liege to assist us in obtaining what we required. We had been compelled to go to the United States of America to procure an additional supply, and he did think that that House would not be performing the duty which it owed to the nation if it refused that which his hon. Friend the Clerk of the Ordnance now asked for the purpose of establishing that which would be only a very partial and experimental establishment for the supply of arms. Did his noble Friend (Lord Seymour) imagine that the 25,000*l.* which was voted last year was enough to establish a manufactory of arms? It was only a sum upon account. No man could imagine that for 25,000*l.* you could have erected an establishment which would have afforded you the means of ascertaining whether you could make arms at a cheaper rate than was charged by the private trade. He did hope that the statement of his hon. Friend would be sufficient to induce the Committee to accede to this Vote, and that the Government would not, at a time when it required every exertion to furnish our army, our militia, and our colonies with arms, be turned round and deprived of the means of supply which the establishment now proposed would afford.

Mr. BAILLIE said, he wished to ask the hon. Gentleman the Clerk of the Ordnance whether the contracts for forage for the horses in the East were made by the Ordnance or the Treasury? This would not be a question to be asked on ordinary occasions, but during the war things had not been done in the ordinary manner, and the Committee would not be surprised to hear that the horses were sent without forage, or the forage without horses. After the way in which the horses of the cavalry, artillery, and commissariat had been starved in the Crimea, and knowing that between 15,000 and 16,000 horses were to be sent out for the Commissariat, he thought he was justified in asking which department made the contracts for forage.

Mr. MONSELL said, that the Ordnance did not, and he could not say which department did. The Treasury had made use of the Ordnance to furnish some oats.

VISCOUNT PALMERSTON said, the Commissariat Department was responsible for the supply of forage.

MR. MUNTZ said, he was astonished that the noble Lord (Viscount Palmerston) should say that he was influenced by local interest at the country's expense. No man was more anxious than he (Mr. Muntz) was to avoid being so influenced, and whenever the question was between local interests and that he always flung the former to the winds. He should move the reduction of the present Vote, because he was convinced that, by so doing, he would be serving the interests of the country. As a specimen of the way in which the Ordnance conducted itself in its relations with manufacturers at Birmingham, he would read to the Committee the following letters—

"Office of Ordnance, August 4, 1854.

"Gentlemen,—A report having been made to the Board of Ordnance that you have failed to make the deliveries of the undermentioned articles, due from you within the time specified on your contract—

"Date of Contract.	"Articles,
"October 6, 1853, 0—411.	"Bayonets.

"I am commanded to acquaint you therewith, and to desire you will immediately state why you have not fulfilled your contract; and I am further to inform you that the penalties attached thereto will be levied upon all the articles not delivered by the time limited.

"J. WOOD.

"Messrs. W. Deakin and Sons."

"Hazelwell Mills, near Birmingham,
"August 7, 1854.

"Sir,—We beg respectfully to inform you that our order for bayonets, dated the 6th of October, 1853, 0—411, was completed the 4th day of July last being within the time specified in our contract.

"WM. DEAKIN AND SONS."

"J. Wood, Esq."

Here then was a case in which parties were written to and reprimanded, although they had completed their contract a month before the time specified. The hon. Member concluded by moving, as an Amendment, that the Vote before the Committee should be reduced by 15,000*l.*

Question put.

The Committee *divided*:—Ayes 34; Noes 170: Majority 136.

Original Question put, and *agreed to.*

Vote *agreed to.*

(2) 22,346, Number of Men (Ordnance).

MR. W. WILLIAMS said, he must complain of the large expense to be incurred in the erection of barracks.

COLONEL KNOX said, he would suggest to the hon. Member for Lambeth that this Vote had nothing to do with barracks.

MR. W. WILLIAMS said, there was one very material point to which he would wish to call the attention of the Committee. He was very happy to hear that the Ordnance Department was to be transferred hereafter to that of the Secretary for War, as was also the Commissariat. By this arrangement an enormous saving might be effected. He observed there were ninety-one storekeepers' establishments, and fifty-four barrack establishments at home and abroad, making altogether 145 such establishments in connection with the Ordnance Department; and there were besides, in nearly all the same places, other establishments connected with the Army, with the Commissariat, and also with the Navy. Now, if the noble Lord would grant an inquiry he (Mr. Williams) would undertake to show that by uniting all those establishments a great saving might be made, and these departments more efficiently conducted. There was another remark he had to make: why had they voted 400,000*l.* for a foreign force, and were now required to vote 90,000*l.* more for clothing it, and another sum of 50,000*l.* on behalf of it, when the noble Lord had stated that the raising of that foreign force had proved a failure? He observed an amount of upwards of 500,000*l.* for fortifications, and he thought much of the immense sum—nearly 2,000,000*l.*—which was charged for fortifications and barracks might be saved to the country, and should be saved at this time of pressure.

COLONEL GILPIN said, he did not join in the hon. Member's objection to the cost of barracks, for if we had a large number of troops in the country they were better in barracks than anywhere else; but he would ask whether any arrangements had been made, since last year, for the better accommodation of married men in barracks? He called attention to this subject last year, and was then told it should receive full consideration, but he was sorry to see that the same disgraceful system still existed. He saw no reason why rooms should not be set apart for married people, and a provision made for enclosing such a space for each couple as was necessary for convenience and decency. He did hope that this subject would be attended to; he was sure the public would not object to any reasonable expense to remedy so great a grievance. We were attempting now to model cottages and lodging houses, and it should not be said that the barracks were the only dwellings in which common decency could not be observed.

Captain SCOBELL said that, in referring to the charge for hospitals, he had read that day in a newspaper some excellent suggestions about having floating hospitals. We knew that at Scutari and Balaklava the hospitals were crowded; and we had many large old ships, which might be sent out under jury masts, and conveyed by steamers, to become floating hospitals, with only men enough on board to keep them clean, and with a staff of nurses and surgeons. A ship could easily be ventilated when at anchor, and might be towed to another place when the patients became convalescent, to give them change of air.

Mr. MASTERS SMITH said, he strongly advised that care should be taken for the better ventilation of hospitals; and recommended that the museum of anatomy and natural history at Fort Pitt should be better supported than it had been.

Mr. OTWAY said, he thought it extraordinary that, when the Government were forming a new camp at Aldershot, they did not take advantage of it to instruct 10,000 soldiers in the building of their own huts—an art in which our men appeared to be very deficient.

Colonel KNOX said, he would like to know where the hon. Member would get his 10,000 soldiers? Why, they were not in existence.

Mr. MONSELL said, he thought the name of "huts" had rather misled the hon. Gentleman; those huts were in fact wooden barracks, which were so constructed that if they were taken proper care of they would last twenty years; and there was great want of larger accommodation for the army and militia, especially in Ireland, and also in this country; and unless it were provided, there was no possibility of getting rid of those inconveniences to which the hon. Member for Bedfordshire (Colonel Gilpin) had alluded, and which he agreed in considering most objectionable.

Mr. OTWAY said, he did not see any reason why, although these huts were intended as permanent barracks, the 10,000 soldiers who would be encamped there should not have learned how to construct them. Were any hired carpenters or labourers of any other class employed for the purpose?

Mr. MONSELL replied, that labourers were so employed. As for the soldiers, most of them, being fresh recruits, were so much occupied in learning the goose step that they could not be employed in building their huts at present.

Vote *agreed to;* as was also the next Vote.

(3) 1,117,833*l.* Ordnance Military Corps. Allowances and contingencies of ordnance corps.

(4) 1,406,883*l.* Commissariat and Barrack Supplies.

Colonel DUNNE said, that the sum specified for warm and waterproof clothing, in addition to the money already voted for that purpose, made up a very large amount.

Colonel KNOX said, he did not approve of voting 90,000*l.* for clothing the foreign legion, which existed only in the air at present, or in the imaginations of the Government. As for the great coats supplied to the army, there never was anything more infamous than their quality; nor was it to be surprised at, with the price paid for them, that they fell to pieces so soon. The cloth was the very worst kind of baize, and they were quite useless to the men. He wished to know if they had been surveyed before they were taken into store? If any gentleman in the Ordnance department had surveyed them, he ought to be dismissed; if not, the Ordnance had committed a great neglect. It was a most disgraceful fraud.

Mr. MONSELL said, he took very much the same view of the unfitness of the great coats as the hon. and gallant Member for Marlow; they were not at all what they ought to have been. But the fact was, that it was thought desirable to get the lightest possible article, that the soldier should have the less weight to carry. He believed they had been properly surveyed, and were according to pattern; and there was, consequently, no ground to charge any one with fraud.

Lord WILLIAM GRAHAM said, what he had to complain of was, that the shell jackets served out to the militia in Scotland were without lining, to save a shilling a jacket; and wore out very soon, so that the militia recruits had the expense of lining them.

Lord ELCHO said, he wished to know if the great coats were waterproof? The very lightest material might now be made waterproof. He also wished to know if any provision was made for great coats similar to those hung up in the sentry-boxes in other countries. He had noticed that during the late severe weather the sentries appeared in their red coats, and put on their great coats when the weather changed for the better. He believed that the great coats were reserved for night duty, but he thought the better plan would be to have a great coat hung up in the sentry-box so that the sentinel might wear it when necessary.

Mr. PERCY said, he hoped the attention of the Government would be directed not only to the quality of the clothing, but also to the manner in which it was made up. He believed that the sum paid for making a great coat was from 6*d.* to 10*d.* only. He also regretted to see that the soldiers who had returned from the Crimea, wounded and sick, had not been supplied with new clothing.

Mr. W. WILLIAMS said, if it were intended to furnish great coats to the militia, he thought it would be better that Government should furnish them, as they did to the regular army, rather than the colonels of the regiment. He wished to know, also, whether the Master General of the Ordnance (Lord Raglan) was still receiving the salary attached to the office?

Mr. E. BALL said, he was not a military man, but he thought it was a shame that British soldiers should be clothed in coats which cost only 6½*d.* to make, and which had been described as resembling a sieve through which the water could run. It was an abominable thing to vote such enormous sums of money for clothing our brave fellows in such a scandalous way.

Colonel DUNNE said, he could bear testimony to the fact that, until recently, the cloth supplied to all the regiments, except a few favoured ones, was of the very worst description.

Lord ELCHO said, that it had been stated that the boots sent out to the Crimea were generally too small for the men. Some time ago on visiting a contractor's shop, he saw some boots, which he was told was going to the Crimea. On his remarking that they appeared to him too small, the answer given was that there were three sizes, and that those which he saw were the smallest. He observed, too, that these boots had no nails in them; and Gentlemen who were in the habit of walking much in the country would bear him out in the statement, that without nails in the boots or shoes it was impossible to walk comfortably. On his remarking in the shop that the boots in question had no nails, the contractor said to him, "The subject has been maturely considered. I can assure you that these boots have been sat upon by a Committee of general officers who have declared that when they served in Canada, the climate of which resembled that of the Crimea, they never wore nails in their boots." Probably it was so long since these gentlemen were in active service that they had forgotten whether their boots had nails or not.

Mr. MILES said, there was another defect in the boots supplied besides the want of nails; namely, that they were so badly stitched and put together, that in a very short time the sole came away from the body of the boot. What he (Mr. Miles) rose for, however, was to seek for some information with regard to the clothing of foreign regiments. There were items in the Estimates which had special reference to a foreign legion, and as he was informed that not a man had been enrolled under the Bill on that subject, he wished to know whether the Turkish contingent was to be regarded as the foreign legion. At present the foreign legion was purely imaginary, which he trusted that the Turkish contingent was not. The Committee could not be expected to vote 90,000*l.* for the clothing of a force which did not exist.

Viscount PALMERSTON said, the Vote was proposed in the expectation that the imaginary force would become a real one. Of course if it did not become so, no money would be spent. The Turkish contingent was a different matter altogether.

Mr. MONSELL said, for the circumstance of the boots being without nails he was not at all responsible, as that article was not supplied by the Ordnance, but by the army clothier.

Vote *agreed to.*

(5) 303,149*l.*, Establishments at Home and Abroad.

Sir JAMES ANDERSON said, he wished to know why the barrack establishments at home were not made more available for the lodging of the militia. A few days ago the Stirlingshire militia were billeted on the inhabitants, although there were very few troops in Stirling Castle; and much dissatisfaction was felt on the subject in the neighbourhood.

Mr. COWAN said, the feeling described by the hon Member for Stirling prevailed among his own constituents; the evil being increased by the fact that, in Scotland, the militia were billeted on the inhabitants generally.

Viscount PALMERSTON said, he concurred with his hon. Friends, that it was highly desirable that, wherever it was possible, the militia should be in barracks. When they were called out, it was intended that they should be so quartered; and that was one reason why they were not called out earlier. At first the Government called out only such a proportion of the militia as they thought could be lodged in barracks.

Vote *agreed to*; as was also the next Vote.

(6) 368,872*l.* Wages.

Motion made, and Question proposed—

"That a sum, not exceeding 2,792,348*l.*, be granted to Her Majesty, to defray the Expense of Ordnance Stores for Land and Sea Service, which will come in course of payment during the year ending the 31st day of March, 1856."

Mr. MUNTZ said, he should move as an amendment that the vote be reduced by 40,000*l.*, being the item for the small-arm factory at Enfield.

Lord SEYMOUR said, he would recommend the hon. Gentleman, after the expression of opinion upon the 15,000*l.* Vote, not to divide the Committee; but he must complain that the Government had not had the courtesy to state what progress had been made with the building, and when it was likely that some arms would be produced.

Mr. MONSELL said, that he hoped to be able to commence the manufacture about the beginning of July. A great portion of the American machinery had already arrived, and the building would soon be completed.

Mr. H. HERBERT said, he wished to call attention to the fact that the Irish Militia were without arms, and in corroboration of the fact he would state a circumstance which had occurred in his own county. Not having received any printed forms, his regiment had sent a requisition for arms to the Quarter Master General in Dublin, in manuscript. That officer sent it back to the general of the district, stating that the requisition ought to have gone through him (the general of the district), and that he could take no notice of any that was not printed. The general of the district, therefore, transmitted it to him (Mr. Herbert). He had to send to London for a printed requisition to apply for arms; and the consequence was that two months had passed by, and the regiment had not got a single musket. In the mean time the general of the district had ordered his regiment to supply men for sentry duty, and they were actually keeping sentry with sticks in their hands. Though a shillalagh might be a national weapon, and might be very effectively employed at times, yet he thought that a limited supply of "Old Brown Bess" would be desirable.

Mr. MAGUIRE said, he objected to the Vote, and should move that the Chairman report progress.

Mr. NEWDEGATE said, he hoped, if the Vote were passed, that the noble Lord at the head of the Government would take immediate steps to assure the gunmaking trade that he did not intend to supersede them; otherwise the Vote would do more to shake their confidence than anything that could be done.

Colonel DUNNE said, he wished to put a question relative to the hammered-iron ordnance. Experiments had been directed to be made, and he, as a soldier, interested in the question, wished to know whether any report had been made on the subject? He wished also to know, whether any report of the experiments under the superintendence of Colonel Simmons had been made?

Mr. MONSELL replied, he should have no objection to lay the Report on the table when it was received, but at present it had not yet been made.

Viscount PALMERSTON said, he hoped the hon. Member (Mr. Maguire) would not insist upon reporting progress, but take the discussion on the Report.

Mr. MAGUIRE said, he was only anxious to have the subject discussed, and, on the understanding that another opportunity would be given for that purpose, would withdraw his amendment.

Mr. SCHOFIELD said, he must contend that this was not a mere Birmingham question, but one affecting the country at large. The gun trade formed a very small fraction of the trade of Birmingham, and it was not on account of the supposed interests of Birmingham, but because he believed the Government could not provide themselves so well with arms as private manufacturers could do, that he was opposed to the Vote.

Mr. WALPOLE said, there existed a misapprehension that an account of the Resolution come to by the Small Arms Committee last year, the Government had been prevented from obtaining as large a supply of arms as otherwise they would have done, but he believed that, had the Vote been carried last year, it would have been impossible to establish the manufactory in time to provide the necessary supply of arms.

MR. MONSELL said, the right hon. Gentleman was perfectly right in his conclusion. It would have been impossible for Government to manufacture the arms required in any circumstances.

Motion made, and Question put—

"That a sum, not exceeding 2,752,348*l.*, be granted to Her Majesty, to defray the Expense of Ordnance Stores for Land and Sea Service, which will come in course of payment during the year ending the 31st day of March, 1856."

The Committee *divided*:—Ayes 24; Noes 110: Majority 86.

Original Question put, and *agreed to.*

Vote *agreed to;* House resumed.

The House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, March 6, 1855.

ARMY IN THE CRIMEA—THE CAVALRY CHARGE AT BALAKLAVA.

THE EARL OF LUCAN: My Lords, I must trouble your Lordships by presenting myself before you on a personal matter.

EARL GRANVILLE: My Lords, if the subject is the one on which I suppose the noble Earl is going to speak, may I request him to defer his observations until my noble Friend the Secretary of War and the Commander in Chief have taken their places?

THE EARL OF LUCAN: My Lords, I find myself compelled to present myself before your Lordships on a case personal to myself. As I informed your Lordships, that immediately on my arrival in England I applied to the General Commanding in Chief to have my conduct subjected to an investigation by a court-martial——

EARL GREY: I beg the noble Earl's pardon, but I rise to order. I feel that this is a very inconvenient course of proceeding. The noble Earl wishes to read a document without any question being before the House. If the noble Earl wishes to place the document before your Lordships, the regular course will be to move for its production; and the noble Earl can then raise any question upon it he thinks proper. The course the noble Earl now proposes to pursue is quite contrary to the rules of both Houses of Parliament.

THE EARL OF LUCAN: I believe the course which I am about to pursue is perfectly regular, inasmuch as I intend to move that the letters which I am about to read should be printed.

THE MARQUESS OF LANSDOWNE: If the noble Earl means to move for papers without any discussion, there is no objection; but if the noble Earl intends to comment on them before they are laid upon the table, it is irregular. I am sure that the noble Earl's discretion will suggest to him that the present is not the proper course to pursue.

LORD PANMURE: I have these papers with me ready to lay upon the table, and they will be in your Lordships' hands to-morrow morning; but the noble Earl can, if he thinks fit, read them now. I had the honour of seeing the noble Earl on Friday afternoon last, but did not receive from him any intimation of his intention to read any further letters to your Lordships.

THE EARL OF LUCAN: It is undoubtedly trne that I was with the noble Lord on Friday afternoon, but the papers I am now going to read I did not then know the existence of, and therefore should have found some difficulty in referring to them. I suppose the noble Lord will have no objection to my reading a note I received from him yesterday. I desire to do so, because it charges me with producing an incomplete correspondence. The noble Lord says—

"My dear Lord,—As I perceive that you read an incomplete correspondence on Friday in the House of Lords, I think it right to forward you a copy of Lord Raglan's despatch of the 16th of December, 1854, addressed to the Duke of Newcastle. Yours faithfully, "PANMURE.
"March 5, 1855."

And why was the correspondence incomplete? Because I did not know of the existence of such a letter as the one forwarded to me, and because, for reasons best known to the Government—or, more properly speaking, to the late Government and the noble Lord—papers which should have been made public long ago, were kept back until yesterday afternoon. Now, my Lords, I hold the letter in my hand, and as I do not intend to offer a single word of comment upon it, I shall certainly read it, unless I am stopped by your Lordships' House, and for this reason, because I think that I should not be acting fairly by the Government, or by Lord Raglan, if I did not take the earliest opportunity of putting your Lordships and the public in possession of the whole of the facts of the case. The noble Marquess (the Marquess of Lansdowne), to whom there is no Peer more ready than I am to yield deference, says that so long as "I refrain from any comments I am justified in reading this letter." I shall take advantage of this admission.—

"Before Sebastopol, Dec. 16, 1854.

"My Lord Duke,—I regret to be under the Necessity of forwarding to your Grace the Copy of a Letter which has been addressed to me by Lieutenant General the Earl of Lucan.

"When I received it I placed it in the Hands of Brigadier General Airey, the Quartermaster General, and requested him to suggest to his Lordship to withdraw the Communication, considering that it would not lead to his Advantage in the slightest Degree; but Lord Lucan having declined to take the Step recommended, I have but One Course to pursue, that of laying the Letter before your Grace, and submitting to you such Observations upon it as I am bound in Justice to myself to put you in possession of.

"Lieutenant General the Earl of Lucan complains, that in my Despatch to your Grace of the 28th of October I stated that 'from some Misconception of the Instruction to advance the Lieutenant General considered that he was bound to attack at all Hazards.' His Lordship conceives this Statement to be a grave Charge, and an Imputation reflecting seriously on his professional Character, and he deems it incumbent upon him to state those Facts which he cannot doubt must clear him from what he respectfully submits is altogether unmerited.

"I have referred to my Despatch, and far from being willing to recall one Word of it, I am prepared to declare, that not only did the Lieutenant General misconceive the written Instruction that was sent him, but that there was nothing in that Instruction which called upon him to attack at all Hazards, or to undertake the Operation which led to such a brilliant Display of Gallantry on the Part of the Light Brigade, and unhappily at the same Time occasioned such lamentable Casualties in every Regiment composing it.

"In his Lordship's Letter he is wholly silent with respect to a previous Order which had been sent him. He merely says that the Cavalry was formed to support an intended Movement of the Infantry.

"This previous Order was in the following Words: 'The Cavalry to advance, and take advantage of any Opportunity to recover the Heights. They will be supported by Infantry, which has been ordered to advance on Two Fronts.'

"This Order did not seem to me to have been attended to, and therefore it was that the Instruction by Captain Nolan was forwarded to him. Lord Lucan must have read the First Order with very little Attention, for he now states that the Cavalry was formed to support the Infantry; whereas he was told by Brigadier General Airey, 'that the Cavalry was to advance, and take advantage of any Opportunity to recover the Heights, and that they would be supported by Infantry;' not that they were to support the Infantry; and so little had he sought to do as he had been directed, that he had no Men in advance of his main Body, made no Attempt to regain the Heights, and was so little informed of the Position of the Enemy, that he asked Captain Nolan 'where and what he was to attack, as neither Enemy nor Guns were in sight.'

"This, your Grace will observe, is the Lieutenant General's own Admission. The Result of his Inattention to the First Order was, that it never occurred to him that the Second was connected with a Repetition of the First. He viewed it only as a positive Order to attack at all Hazards—the Word 'attack,' be it observed, was not made use of in General Airey's Note—an unseen Enemy, whose Position, Numbers, and Composition he was wholly unacquainted with, and whom, in consequence of a previous Order, he had taken no step whatever to watch.

"I undoubtedly had no Intention that he should make such an Attack; there was nothing in the Instruction to require it; and therefore I conceive I was fully justified in stating to your Grace what was the exact Truth, that the Charge arose from the Misconception of an Order for the Advance which Lord Lucan considered obliged him to attack at all Hazards.

"I wish I could say with his Lordship, that, having decided, against his Conviction, to make the Movement, he did all he could to render it as little perilous as possible. This indeed is far from being the Case, in my Judgment.

"He was told that the Horse Artillery might accompany the Cavalry. He did not bring it up. He was informed that the French Cavalry was on the Left. He did not invite their Co-operation. He had the whole of the Heavy Cavalry at his Disposal. He mentions having brought up only Two Regiments in support; and he omits all other Precautions, either from Want of due Consideration, or from the Supposition that the unseen Enemy was not in such great Force as he apprehended, notwithstanding that he was warned of it by Lord Cardigan, after the latter had received the Order to attack.

"I am much concerned, my Lord Duke, to have to submit these Observations to your Grace. I entertain no Wish to disparage the Earl of Lucan in your Opinion, or to cast a Slur upon his professional Reputation; but, having been accused by his Lordship of having stated of him what was unmerited in my Despatch, I have felt obliged to enter into the Subject, and trouble your Grace at more Length than I could have wished in vindication of a Report to your Grace in which I strictly confined myself to that which I knew to be true, and had indulged in no Observations whatever or in any Expression which could be viewed either as harsh or in any way grating to the Feelings of his Lordship.—I have, &c.

(Signed) "RAGLAN."

Now, my Lords, nearly at the same moment at which I received this letter, I received another letter from the General Commanding in Chief, in answer to an application which I had made to the noble Lord to allow my conduct to be investigated by a court-martial.

"Horse Guards, March 5, 1855.

"My Lord—I have had the honour to submit to the General Commanding in Chief your letter of the 2nd of March instant, reporting your arrival

The Earl of Lucan

in London, and requesting that your conduct in ordering the charge of the Light Cavalry Brigade at the action of Balaklava, on the 25th of October last, and writing the letter you addressed to Field Marshal Lord Raglan on the 30th of November, may be submitted to and investigated by a court-martial.

"I am directed by the General Commanding in Chief to state in reply that, after a careful review of the whole correspondence which has passed, he cannot recommend to Her Majesty that your Lordship's conduct in those transactions should be investigated by a court-martial. I have the honour to be, my Lord, your Lordship's most obedient servant, G. A. WETHERALL, A.G.

"Lieutenant General the Earl of Lucan."

My Lords, on seeing this letter of Lord Raglan's—with the existence of which I was uninformed until yesterday afternoon—my case appeared to be so entirely altered that I felt myself obliged to write to the General Commanding in Chief this letter, which has this day been delivered to the Adjutant General—

"Hanover Square, 5th March, 1855.

"Sir—I have the Honour to acknowledge the Receipt of your Letter informing me that the Commander in Chief cannot recommend that my Conduct should be investigated by a Court-martial.

"Until this day I have been kept uninformed of the Letter from Lord Raglan, which appears to have been addressed by his Lordship to the Minister of War when forwarding mine of the 30th November last.

"This Letter contains entirely new Matter, and is replete with new Charges, reflecting more seriously than before on my professional Judgment and Character.

"There is now imputed to me, and for the First Time, not only the Misconception of one Order, but Inattention to and Neglect of another Order; and, again, a total Incapacity to carry out any Instructions and to avail myself of the Means placed by his Lordship at my Disposal.

"Charges so grave and of a Character so exclusively professional cannot, I submit, be properly disposed of without a Military Investigation. I find myself, therefore, compelled to express my anxious Wish that the Commander in Chief will be induced kindly to reconsider his Decision, and consent to my whole Conduct on the Day of the Action of Balaklava, 25th October, 1854, being investigated by a Court-martial. I have, &c.

"(Signed) LUCAN, Lieutenant General.

"The Adjutant General, &c. &c. &c."

Now, my Lords, I do not intend on this occasion, any more than I did the other night, to depart from the undertaking into which I entered; and therefore I shall now content myself with merely thanking your Lordships for the kind attention you have accorded to me.

Moved—

"That there be laid before this House Copies of any Letters or Papers relating to the Conduct of Lieutenant General the Earl of Lucan, commanding the Cavalry Division of the Army in the Crimea."

LORD PANMURE: My Lords, it is not my intention to make many remarks upon the painful position in which your Lordships' House is at present placed in having a matter which is entirely one of military discipline thus brought before you; and I trust that your Lordships will not make this an occasion on which points of discipline are to be discussed in this House. I wish merely to explain one point. The noble Earl says that this correspondence ought to have been laid upon your Lordships' table long ago. Now, when I was appealed to on a former occasion to produce this correspondence, I stated my reason for withholding it, which was, that the noble Earl was then on his passage home to this country, and would soon arrive here, and that if, after he reached England, he should desire that it should be produced before the House and the country, no man would be more unwilling to stand in the way of its being laid on the table than I should. That was my only reason for then objecting to the production of the correspondence; but I have brought it down to the House with me to-night, and now hold it in my hand, for the purpose of laying it on your Lordships' table.

Motion, by leave of the House, *withdrawn.*

CONTRABAND OF WAR.

LORD BERNERS said, he had given notice of a Motion for Returns of Lead and other articles contraband of War exported from the different Ports of Great Britain and Ireland to Foreign Ports since the declaration of War; and of the Imports into Great Britain and Ireland of Russian Produce in Neutral Vessels during the last year. The noble Lord said that he thought it his duty to move for these returns in consequence of representations made in the public prints, to the effect that not only munitions of war were sent from this country to Russia, but that they are so sent by authority of the Custom-house in London. He hoped, for the credit of the Government and honour of the country, that those statements might be authoritatively contradicted. He had traced a paragraph to one of the Hull papers, of the 2nd November last, headed "Shipment of Lead to St. Petersburg." It stated that fifty tons of lead had been entered for shipment from London, *viâ*

Hull, to Memel, to be taken thence to St. Petersburg; the paragraph went on to say, that the Custom-house authorities at Hull having refused to pass it, as being an important munition of war, a telegraphic message was sent from London authorising them to forward it, and it was accordingly done. He understood that any articles detained at any of Her Majesty's Custom-houses could not be forwarded without a Treasury warrant. Now, if any officer in the Custom-house or Treasury had given authority for such a transaction as this, it was proper that he should be known and called to account, whether his position was high or low, because it was contrary to the interests of the country, if not to the laws of the land, to proceed as we had been doing, and to send not only an immense amount of gold to the enemy, but even actual munitions of war. It had been stated to him by the editor of the Hull paper to which he alluded, that similar shipments had been going on through the summer months and up to the 30th of November, when the Order in Council appeared, and that in substance the paragraph in question was correct. From a return which he had received from the head of a large house in Liverpool, it appeared that shipments of lead to Memel went on to a great extent. The returns of Trade and Navigation proved that that was the case. Another return showed that the exports of iron and steel to foreign ports had considerably increased, as compared with 1853. The exportation of these articles to foreign countries involved very important national considerations, and the Government ought explicitly to avow the policy they intended to adopt towards nations with which we were at war, and likewise towards nations which regarded themselves as neutrals. Distinct information upon this head should be afforded to the commercial classes of this country, the precise instructions given to our admirals respecting the blockade of foreign ports should also be made known to them, and every officer commanding our cruisers should be fully apprised of the duty they were required to perform. Official returns showed that the importation of a variety of articles of foreign produce had considerably increased of late years; and this remark applied especially to the four great articles of Russian production. In 1854, a large increase in tallow took place. In hemp, flax, and hides, also, a considerable increase would be perceived in the six months ending July, 1854, over the corresponding period of 1852. The following was the detail—

SIX MONTHS ENDING 5TH JULY.

	1852.	1853.	1854.
Hemp ...... cwt.	280,607	250,073	332,421
Hides, untanned cwt.	202,464	330,603	272,621
„ tanned, lbs.	1,075,207	3,604,769	2,041,580
Flax.........cwt.	410,876	627,173	643,835
Tallow......cwt.	242,469	205,349	256,675

This showed a considerable increase on the first six months, but on the whole twelve months a decrease in tallow and flax, but increase of the import hemp and hides. The former being in twelve months ending 1852, 1,081,220 cwts.; 1854, 1,227,964 cwts.: of the latter, 1852, 550,365 cwts.; 1854, 601,199 cwts.: ditto, dressed, 1852, 2,090,077 lbs.; 1854, 4,180,315 lbs. Then, with respect to corn, it would be seen there was an increase in the year ending January, 1854, over 1853, in wheat alone, of about 1,900,000 quarters. In 1855, the quantity was 3,431,227 quarters, which was less than in the year 1854, but more by 400,000 quarters than 1853. A good deal had been said about the quantity which had been shipped from Odessa. All must recollect Admiral Dundas's despatch apologising for having attacked Odessa, and speaking in a tone of congratulation of having spared the buildings and the stores of corn and wine, stores which had afterwards served to feed the Russian troops in Odessa—an anti-national proceeding. From returns that had been rendered it appeared that the Russian produce taken by this country amounted to 9,600,000*l.*, being 38 per cent of the total exports of that country; that France took 8 per cent and Turkey 5 per cent;—so that we and our Allies took one-half of the whole Russian exports. This, he thought, was a sufficient argument for inducing our Government to resort to every means in their power for crippling the commercial traffic of Russia. He believed that there would be no objection to produce the returns relating to the exports from neutral ports; but, as he was informed that it would be impossible to furnish correct information with regard to the quantities of Russian produce imported into this country, he should not press that part of his Motion.

EARL GRANVILLE said, there would be no difficulty in acceding to the first part of the return moved for, and, with regard to the second part, if the noble Lord would communicate with the President of the Board of Trade, it could be put into a different form, which would furnish all the information required. With regard to the export of lead from this country to Russia, he had to state that at the commencement of last year, when it seemed probable that a war would break out, a Royal proclamation was issued prohibiting the exportation from this country of arms, ammunition, naval and military stores, and machinery; at the same time the Treasury were empowered to grant licences for the export of those articles under certain circumstances. When war was declared, the subject was referred to a Committee of the Privy Council, by whom it was resolved to limit the prohibition to three classes of articles—namely arms, gunpowder (including brimstone and saltpetre), and marine boilers, engines, or the component parts thereof. East of Malta or north of London was at the same time fixed as the geographical limitation. In the month of October, in consequence of information received, additional restrictions were imposed, and the export of blue lias and cement was prohibited; and in the month of November the exportation of lead was also forbidden. It was with very great doubt that this last article was included in the prohibition, because, after all, it was probably of no great importance, for it was not likely that it could reach the Emperor of Russia from this country in quantities large enough to be of any particular service to him—and, indeed, it appeared that he had drawn the greater part of the lead which he had required from Spain, and that it passed through Prussia and other neutral States. Very early in the war application was made to the Court of Prussia to prohibit the transmission of articles contraband of war through that country to Russia, and an assurance was given that the Prussian Government would do their best to comply with the request—an assurance which he was afraid had not been very perfectly complied with. Lord John Russell, however, had lately informed Her Majesty's Government that the Prussian Government had renewed their assurance, on the subject of trade in the contraband of war passing through their dominions, and had expressed an intention of rendering more effectual the means in her power of preventing such traffic. With regard to the larger question as to the intentions of the Government in reference to the trade of neutrals, all he had to state was that Her Majesty's Government had no intention of making any change in the Orders in Council passed last year. He believed that if there were any two points on which the Emperor of Russia reckoned for assistance in the war more than others, they were that there could be no cordial maritime co-operation between England and France, and also, that by insisting strictly on our former belligerent tactics we should very soon be involved in quarrels with the chief maritime neutral States of the world; and indeed, had we not made some very considerable concessions in our old interpretation of the rights of belligerents, there was very little doubt that the Emperor's expectations would have been realised on both points. He looked upon the Orders in Council of last year as a wise measure, both in point of policy and principle. Not a single observation against the course Her Majesty's Government had taken had been made in their Lordships' House; and only one in another place, where the hon. and learned Gentleman who made it was totally unsupported, and he hoped that no attempt would be made to revert to our ancient practice. In order to keep Russian produce altogether out of this country, it would be necessary to go much further back than our tactics of the last war, for even then the very simple process of selling it to a neutral would have put it entirely out of the reach of our cruisers either in neutral or in our own vessels. In fact, to meet the noble Lord's views we must revert to the Berlin and Milan decrees, which not even Napoleon's absolute power could carry completely into effect. He had not been able exactly to follow the noble Lord's statistics with regard to the alleged increase in the importation of Russian produce, but he could safely say that so far from the noble Lord's conclusions being correct, the Board of Trade returns for the last year showed that there had been a considerable decrease in the average amount of the importation of articles of Russian produce: in fact there had been a very marked decrease in every one of the articles. The noble Lord had mentioned hides as an article in the importation of which there had been a considerable increase; but he was informed that, in fact, the importation of hides from Russia and Prussia had completely ceased. He was not aware of any chief article of Russian produce so conveyed the import of which had not declined 40 per cent, and with respect to some articles the import had decreased 60 per cent. No doubt, in the Black Sea, the Baltic, and the White Sea the blockade, from various causes, had not been so effectually and continually carried out as it might be. For this there were obvious reasons in the Baltic and the White Sea, the Russian goods having been previously almost entirely paid for by merchants in this country or in France. With respect to the blockade in the Black Sea, it was contrary to the wish of the Government that the blockade should not be effectual; but it turned out to be impossible to establish such a blockade, and that was the reason why the imports from Russia to this country had been so great. However, the blockades, such as they were, had certainly effected serious damage to Russian commerce. It had been the opinion of an eminent French statesman, in reference to the Russian cotton goods exhibited in this country at the Great Exhibition, that they were so excellent that they threatened very seriously the preponderance which this country had obtained in respect to the manufacture of that article. He was not convinced as to the truth of that opinion; but he might add that the result of the blockade had been that the cotton manufacture in Russia had been stopped from the difficulty of getting fuel, owing to the blockade. If he wanted another proof of the injury inflicted on the foreign trade of Russia by the blockades, he would refer to an article recently published in the *Révue des Deux Mondes*, in which a French ex-Minister of Finance, Léon Faucher, described the disastrous effects upon the finances of Russia which the war must produce, and the dangerous expedients to which the Russian Government had already been forced, in order to meet the difficulties likely to be produced upon Russian credit in other parts of the world. This article was so severe that it had brought forth a semi-official reply in the *St. Petersburg Gazette*, in which, while some of the positions of the French writer were combated, an admission was made that it was incontestable that the Russian foreign trade was in a state of suffering. If the proposition to prohibit the introduction into this country of Russian produce were adopted in preference to a blockade, it would only have the effect of inflicting the maximum of injury on England and the minimum on the Russian Empire,

Earl Granville

because, while England refused the goods, the rest of the world would receive them; the real effect of a blockade was, that though we deprived ourselves of Russian produce, we at the same time prevented the rest of the world from obtaining it, and destroyed almost the whole of the Russian foreign trade.

In answer to some further observations made by Lord BERNERS.

EARL GRANVILLE said, that certainly the importation of Russian articles was increased last year; but the amount of those articles coming from Russia and Prussia was very much decreased.

LORD COLCHESTER did not clearly understand whether or not the export of lead was now prohibited. The noble Earl said it was, but he thought the noble Earl had not explained why, when the export of nitre was prohibited by the Orders in Council, the export of the material for making balls was not prohibited at the same time. He thought that if the present policy of England with regard to neutrals were carried out under all circumstances it would not be found to answer. In countries like France, Spain, or the United States of America, where there was a vast extent of seaboard, there could be no effectual blockade if trade were allowed in neutral vessels.

EARL GRANVILLE made some observations, which were totally inaudible in the gallery.

In reply, LORD BERNERS again pressed the Ministers as to the authority given for the exports of the lead before alluded to, and was informed by Lord Granville that lead was not then contraband of war, the articles restricted only being sulphur, brimstone, and gunpowder, as well as boilers.

The EARL OF HARDWICKE said, it was of great importance that the war should be conducted with the utmost vigour; yet it appeared to him that at the commencement the action of our naval force had been completely neutralised. It always appeared inexplicable to him how it was that the fleet of England in the Black Sea was conducted as it had been since the commencement of the war; and when the vote of thanks was given to Admiral Dundas he, feeling this matter deeply, took the liberty of observing sarcastically that after that we should hear no more of the ports in the Black Sea not being blockaded. He did not know whether or not the fault lay with the Admiral, but there was a mystery with respect to the ports in the Black Sea. His opinion was, that it was mainly owing to the severe contests in the Crimea and the investment of Sebastopol that the whole of the ports in the Black Sea were not blockaded. He was convinced that if the whole of the force had been applied in a proper manner, and if the battles in the Crimea had not prevented a fit disposition of the fleet for the purpose of blockade, their Lordships never would have heard the story attempted to be palmed off on the country last year as to the impossibility of the ships being kept in the Black Sea during winter. In answer to that statement, he remembered saying that he would undertake to keep any sea in all weathers and in all seasons, with the ships and sailors of England. He would not say any more on the present occasion, because there was a future notice on the paper with respect to the blockade; but he must add that, of the various errors committed by the Government in reference to the conduct of the present war, none more affected the interests of this country, and strengthened the power of the enemy, than the manner in which the blockade had been conducted.

THE DUKE OF ARGYLL thought it extremely probable that the noble Earl was mistaken in a statement he had made. He (the Duke of Argyll) was not aware of any attempt to palm off on the country the story that the fleets of England could not keep in the Black Sea during the winter.

Motion amended as follows—

"Return of Lead and other Articles contraband of War exported from the United Kingdom to Foreign Countries since the Declaration of War; specifying to what Countries the same have been exported:" And also—

"Return of the Quantities of Tallow, Hemp, Linseed, Flax, Tar, and Bristles, imported into the United Kingdom in Foreign Vessels during the Year 1854; specifying from what Countries the same were imported."

Agreed to.

ROMAN CATHOLIC PROCESSIONS.

THE BISHOP OF EXETER rose to move for Copies of any Case and Questions proposed by Her Majesty's Government to the Irish Law Officers of the Crown in the Year 1852, relative to the Construction of the Statute 10th of George IV. chap. 7, section 26; with the Answers to the same by the said Irish Law Officers; Also, Copy of any Case and Questions proposed by Her Majesty's Government to the Irish Law Officers in the last and present Years on the Construction of the said Section of the said Statute; with the Answers thereto given by the said Irish Law Officers; And also, Copy of a Proclamation by Her Majesty, bearing Date the 15th of June, 1852, warning Roman Catholic Ecclesiastics of the Unlawfulness of wearing their Ecclesiastical Habiliments, saving in the usual Places of Religious Worship or in private Houses. The right rev. Prelate said, their Lordships would see that in the notice which he had given he had made certain propositions for returns which it was not unusual to move for in either House of Parliament—he meant returns of questions which had been put to the law officers of the Crown, and the answers which had been given to those questions. He should certainly not have departed from the usual practice if it had not appeared to him that there were extraordinary anomalies in this case that required to be explained, and which he could not conceive capable of explanation without direct reference to the opinions given by the law officers of the Crown. Before proceeding to the matter in hand, however, it might be wise to state, though not at any tedious length, the history of this matter as already disclosed in the conversations that had taken place in that House. Last year he had collected from the statement of the noble Earl opposite, who was Lord Lieutenant of Ireland in 1852 (the Earl of Eglinton) that at the time he filled that office he received accounts from the south-west of Ireland to the effect that the Roman Catholic Bishop in one portion of the county of Galway had given notice to his clergy to attend in their robes, in their sacerdotal habiliments, for the purpose of joining in a procession. On this the noble Earl, as he (the Bishop of Exeter) understood him, took the opinion of the law officer of the Crown who was immediately his adviser, who told him that such procession was illegal. But the noble Earl was not satisfied with that. He also sought the opinion of the Attorney General and Solicitor General of Ireland, and from them received the similar assurances that there could be no doubt that such a procession was of an illegal character. On that the noble Earl directed a letter to be written to the Roman Catholic Bishop, pointing out the illegality of the measure; stating at the same time that he believed the notice was given without his having adverted to that illegality, that he was willing to regard the matter in that view, and that he trusted no procession would take place. As he understood the noble Earl, the Bishop returned a reply intimating that he had no intention of pursuing that illegal course. This took place in Ireland in 1852. In the same year, in England, there seemed to be grounds for inducing Her Majesty's Government of that day to issue a proclamation, declaring the danger incurred by those individuals who offended against the particular clause of the statute of 1829 which prohibited ecclesiastics to appear in their sacerdotal habiliments, except in their usual places of worship or in private houses. That proclamation pointed out that it was of great importance to the peace of the country that the law should be strictly observed; and in the most conciliatory, but at the same time in the most peremptory terms, announced the determination of the Government. After reciting the statute and the violation of it, the proclamation proceeded—

> "We have therefore thought it our bounden duty, by, and with the advice of our Privy Council, to issue this our Royal Proclamation, solemnly warning all those whom it may concern, that, whilst we are resolved to protect our Roman Catholic subjects in the undisturbed enjoyment of their legal rights and religious freedom, we are determined to prevent and repress the commission of all such offences as aforesaid, whereby the offenders may draw upon themselves the punishments attending the violation of the laws, and the peace and security of our dominions may be endangered."

That proclamation was issued in June, 1852. Of the wisdom of the course then taken there could not be two opinions; and of the necessity for it an unhappy example soon after occurred: he meant those riots at Stockport which created such extreme disgust. It must not be supposed that he charged the Roman Catholic clergymen of that town with provoking the riots by appearing in their robes of office in public to the disturbance of the peace. That was not so. He believed the riots at Stockport proceeded from religious animosities on both sides, and that the fault was more to be ascribed to the Protestants than to the Roman Catholics. But these riots afforded an illustration of the necessity of enforcing the law. At Stockport that law had been proclaimed; and though the Roman Catholic clergy of the town abstained from appearing in procession in their robes, yet such was the soreness of Protestant feeling in relation to these processions that an unhappy outbreak occurred which terminated in loss of life, to the shame of this Christian country. Now, he would say that if an outbreak like that of Stockport take place without the provocation of a direct violation of law, what might we expect would be the consequence if, unfortunately, the Roman Catholic clergy should be taught to feel that they were guilty of no offence if they did appear in the streets in the habiliments of their order in such processions, or even if they daily went about their duties publicly in their dress? In 1854, after this proclamation of 1852 had been found effectual, and been faithfully observed by the Roman Catholic clergy in this country, it happened that a change took place in Her Majesty's councils. Then it appeared that a Roman Catholic Bishop in the south of Ireland—he meant the Irish Archbishop at Tuam (he used the term "at Tuam" advisedly, as he regarded the title "of Tuam" to be illegal)—put forth a manifesto, in which he called on his suffragans and clergy to meet him in their robes of office, in the habiliments of their order, to hold a provincial synod at Tuam. His bishops obeyed this command. The proclamation of John of Tuam was held to be more powerful than Her Majesty's proclamation of 1852. The question, therefore, came to be, whether this Archbishop at Tuam, or Her Majesty's proclamation, was to be held as announcing the law of the land? This took place in the autumn of last year; and since the meeting of the present Session of Parliament a noble Baron (Lord Berners) took occasion to bring the case to the knowledge of Her Majesty's Government, and to ask if any steps were intended to be taken with regard to it. In consequence of that, it appeared that questions were put to the Irish law officers, and that to these questions answers were returned. To these answers he would now take occasion to refer. The noble President of the Council had made a statement on this subject on Tuesday, the 27th of February, and he (the Bishop of Exeter) would not trust to his own recollection, but would quote the noble Earl's words from what were called in that House "the usual sources of information."

Earl GRANVILLE said, "the usual sources of information" had not represented with perfect accuracy the observations he had made on the occasion to which the right rev. Prelate referred.

The Bishop of EXETER must take the liberty of saying that his own recollection agreed with the statements contained in "the usual sources of information."

EARL GRANVILLE was understood to say that what he had stated was, that the law officers of the Crown in Ireland not being agreed upon the subject, the question had subsequently been referred to the English law officers of the Crown, and that, in their opinion, the law did not apply to the secular or working clergy, although it did apply to the regular clergy.

THE BISHOP OF EXETER had no doubt that the noble Earl's statement of what he had said on the occasion in question was correct; but he (the Bishop of Exeter) had no recollection of any statement on the part of the noble Earl that the Irish law officers of the Crown differed in opinion on the subject, and his own recollection was fully borne out by the newspaper reports. He thought, after the issue of the proclamation of 1852, which had not been recalled, that it would have been but fair to the country if the present Government, if they had formed an opinion as to the state of the law different from that entertained only two years ago by all the then law officers of the Crown, and after they had been formally warned that if they continued to do certain acts they would render themselves liable to any penalties as well as violate the peace and security of the country, had sent forth a new Proclamation, declaring their intention of acting upon the novel and somewhat extraordinary opinion expressed by their law officers. If, as the noble Earl the President of the Council now stated, there had been any difference of opinion on this subject among the law officers of the Crown in Ireland, he thought it was very important that they should ascertain on what ground those differences had arisen. The Act 10 *Geo.* IV. c. 7, commonly called the Roman Catholic Relief Act, left the recovery of penalties for the commission of such offences in the hands of the Attorney General for Ireland. He considered that if the Attorney General for Ireland was of opinion that the Acts to which he (the Bishop of Exeter) had referred were legal, it would have been quite fair to say to that functionary, "We cannot expect you to prosecute in a case where you believe that the law does not entitle you to do so." He thought that the House should be placed in possession of the opinion of the first law officer of the Crown in Ireland—the Attorney General—and that if other legal officers had differed from him they should know what were the grounds upon which it was considered that the appearance of Roman Catholic ecclesiastics in the habits of their orders, in the streets of Tuam, was not a violation of the law. On Friday last, the 2nd of March, the noble Earl (Earl Granville) was reported to have said—and here he (the Bishop of Exeter) quoted from the ordinary sources of information, whose representation was borne out by his own recollection—"Not that there was any doubt on the subject, but that an opinion had been given to the effect that the prohibitions of the Act applied not to the secular, but to the regular clergy." It was now intimated, however, that there had been a doubt; and he thought the best mode of clearing up that doubt would be by the production of the opinions of the law officers of the Crown. But the noble Earl did not stop here, for he afterwards said—"It did not seem to him that the words prohibiting ecclesiastics from appearing in the habiliments of their order could apply to ecclesiastics who belonged to no order." That brought him to another point of the case. It appeared that in 1852 the law officers of the Crown were clearly of opinion that offences against the law had been committed; but it seemed that in 1854 the law officers of Ireland did not agree in their opinion on the point, and the course was taken—with which he did not mean to find fault—of appealing to the law officers of England. They had had the advantage of hearing, on this subject, the opinion of the noble and learned Lord on the woolsack—an opinion to which he had listened with great respect and deference—but he must frankly say that his confidence in that noble and learned Lord had only increased the surprise with which he had heard the opinions he had expressed. The Lord Chancellor was represented to have said—and his (the Bishop of Exeter's) recollection bore out the statement—that

> "There appeared to be good reason for believing that there was no prohibition against a Roman Catholic priest wearing his ecclesiastical habiliments in going through the streets. He took it that the habiliments of a priest were not the same as the habiliments of any one of the orders referred to; and as this was a highly penal statute, the rule of the law was that it be construed very strictly."

It was true, as the noble and learned Lord said, that, this being a penal statute, the rule of law was that it be construed very strictly; but he (the Bishop of Exeter) held that the interpretation to be put upon the words "construed very strictly" was, that the terms of the statute should be construed strictly according to the plain, literal, and grammatical meaning of the words. He found that, in the case of "the Attorney General *v.* Lockwood," reported in 9, *Meesom and Welsby,* page 398, Baron Alderson expressed his opinion on the construction of statutes in these words—

> "The rule of law, I take it, upon the construction of all statutes, and therefore applicable to this, is, whether they be penal or remedial, to construe them according to the plain, literal, and grammatical meaning of the words in which they are expressed, unless that construction leads to a plain and clear contradiction of the apparent purpose of the Act, or to some palpable and evident absurdity."

The 26th section of the Act was this—

> "And be it further enacted that if any Roman Catholic ecclesiastic, or any member of any of the orders, communities, or societies hereinafter mentioned, shall, after the commencement of this Act, exercise any of the rites or ceremonies of the Roman Catholic religion, or wear the habits of his order, save within the usual places of worship of the Roman Catholic religion, or in private houses, such ecclesiastic or other person shall, being thereof convicted by due course of law, forfeit for every such offence the sum of 50*l.*"

The 28th section related to the particular orders. He now came to the plain, literal, and grammatical meaning of the words used in the Act. This was no longer a legal question, but a question of grammar. He admitted that in one sense it was a question of law, but it was a question of law that the highest legal authorities acknowledged was only to be construed according to the plain, literal, grammatical sense of the words employed; and he therefore contended that every man who knew what the English language was had a right to put his construction upon the matter. The words of the clause were these—

> "And be it further enacted, that if any Roman Catholic ecclesiastic, or any member of any of the orders, communities, or societies, hereinafter mentioned, shall, after the commencement of this Act, exercise any of the rites or ceremonies of the Roman Catholic religion;"

so that in this instance there were two classes of persons mentioned—any individual belonging to either of which might incur the penalties of the law—first, "any Roman Catholic ecclesiastic," and next, "any member of any of the orders, communities, or societies." If any one of these parties were guilty of any one of the matters held to be an offence, he came within the meaning of the Act, which provided that a penalty of 50*l.* should be inflicted upon any person exercising the rites or ceremonies of the Roman Catholic religion, or wearing the habits of his order, save within the usual places of worship of the Roman Catholic religion, or in private houses. There were thus, also, two distinct offences, and it was contended that they were to be taken separately, namely, that the offence of exercising any of the rites or ceremonies of the Roman Catholic religion applied only to the Roman Catholic ecclesiastic who had no habits of an order, and that the words "wearing the habits of his order, save within the usual places of worship," applied only to the member of an order. Now, he contended that this construction was a violation of the plain grammatical sense of the words contained in the Act, which asserted that, if either one of two parties did either one of two things, be it what it might, he was guilty of an offence under the Act, and was liable to forfeit a penalty of 50*l.* upon conviction. He must be permitted to declare that, if the English language was to be taken as it was usually construed, it was in direct defiance of the construction now attempted to be placed upon the words of the statute. The plain literal construction of the clause would certainly not relieve the Roman Catholic ecclesiastic from the prohibition and penalties of the statute if he wore the habits of his order in the streets, or in any other place, except the usual places of public worship or private houses. For the sake of the peace of the country, he hoped that the construction which he placed upon the words of the Act would be held to be the plain, literal, and grammatical meaning of the clause. If it were not so, he could hardly say what consequences might ensue. In every town in England and Ireland in which there was a numerous body of Roman Catholics they would find their Roman Catholic fellow-subjects disposed to vaunt their strength and defy the Government, particularly if they were to be told that the Government could inflict no punishment upon them. Throughout the towns of Ireland, throughout the largest cities of this country—London, Manchester, and Liverpool—and, above all, in Glasgow—there would be processions of Roman Catholics, headed by Roman Catholic priests in the habiliments of their order; and could their Lordships look upon such a state of affairs without dismay, without believing that the same spirit which had recently manifested itself at Stockport would be greatly increased, and that the indignation of the Protestants of other places would be excited to the utmost when they saw such proceedings taking place in direct defiance of the Proclamation of the Queen, and, therefore, unless Her Majesty's Proclamation should have been withdrawn, in defiance of what they would believe to be the law of the land? It was impossible to doubt, when they saw the Protestants of Glasgow, of London, or of Liverpool, insulted by processions headed by Roman Catholic bishops and priests, in the habiliments of their order, that the worst scenes of violence would take place. He did not think any of their Lordships would be able to say how long such a course could be pursued without entailing the most sanguinary, as well as the most violent scenes. And upon whose head would be the guilt of the blood so shed? In his opinion the guilt of that blood would attach, in the first place, to any Government that should tell the Roman Catholics they were not offending any law by engaging in exhibitions so insulting to the feelings of Protestants that they would be sure to bring down the vengeance of the Protestants upon their heads; and, in the next place, to those law officers, and in particular to the noble and learned Lord on the woolsack, who should have the discredit of misleading the Government by means of an erroneous opinion. If the Government did that without being absolutely certain that the law of the land was such as had been represented to them by the Attorney General and Solicitor General, any blood which might be shed in consequence would rest upon the heads of the Government. He was not desirous of indelicately making a comparison between the noble and learned Lord who now sat upon the woolsack and any other noble and learned Lord who had sat there in former years; but he could not avoid asking other noble and learned Lords who had filled the office of Lord High Chancellor whether they agreed in the construction which had been placed upon this clause of the Act? He appealed more especially to his noble and learned Friend opposite (Lord Lyndhurst), who sat upon the woolsack as Lord Chancellor when the statute was framed. They all knew that the statute was framed in order to preserve the religious freedom of the Roman Catholics, and at the same time to assert the legal rights of the Crown; and he ventured to ask his noble and learned Friend to read the clause, and favour their Lordships with his opinion upon it. It was very remarkable that soon after the Royal Proclamation was issued, in 1852, the present Attorney General for Ireland, Mr. Keogh, said, in a speech in the House of Commons—

> "I have seen in this morning's papers a Royal Proclamation which is addressed to the clauses in the Roman Catholic Relief Act, which were introduced into that Act from some very old Acts. Those clauses were directed against the habit of Roman Catholic ecclesiastics wearing the dress of their order in public. These clauses have been dormant ever since the passing of the Roman Catholic Relief Bill."

Now, the words of one of these clauses—that taken from the 8th clause of the 21st and 22nd of George III. (Irish)—were—

> "Provided always, that no benefit of this Act shall extend to any Popish ecclesiastic who shall officiate in any church or chapel with a steeple or bell, or at any funeral in any church or churchyard, or who shall exercise any of the rites or ceremonies of the Popish religion, or wear the habits of their order, save within their usual places of worship," &c.

He believed he was correct in saying that was the first statute passed for the relief of Roman Catholics in Ireland. It so happened that in England a similar statute for the relief of the Roman Catholics was passed in the 31st year of the reign of George III., and that Act was a direct transcript of the 21st and 22nd of George III. (Irish) so far as regarded this question. There was in neither of those statutes a single syllable about the members of monastic orders being the only persons who could violate the law, and it must be remembered those Acts were prepared, after long and close consideration, in a spirit of liberality towards the Roman Catholics, but, at the same time, with a firm resolution to assert the rights of the Protestant Church and Government. The Legislature intrusted to one of the law officers in Ireland the duty of enforcing the law, and it was absolutely necessary, if the law was to be regarded as worth anything, that they should know clearly what were the authorities on which they were to rely. Therefore it was that he had introduced the first two subjects of his Motion. If these reasons were not such as to overcome the serious evil of establishing a precedent for making known to the world the grounds of an opinion given by the law officers of the Crown, he would not press for these papers; but he should feel it his duty, at all events, to move for a copy of the Proclamation, unless he should be given to understand Her Majesty's Government would rather he did not. [Earl GRANVILLE: It is contrary to precedent.] Although contrary to precedent, unless it was said to be hurtful to Her Majesty's Government or contrary to public policy, such was his opinion that he must press for it. He therefore would move that a humble Address be presented to Her Majesty, praying Her Majesty to order to be laid before this House copies of the papers of which he had given notice.

Lord LYNDHURST: I stand, my Lords, in a situation of some difficulty after the appeal which has been made to me by the right rev. Prelate. I entertain the greatest respect for the law officers of the Crown, for their learning and talents, and certainly I shall not, by any voluntary act of my own, put myself in opposition to them nor controvert their opinion, unless called upon to do so in consequence of some legal proceeding. I feel, also, another difficulty. It is possible the construction of this Act may come judicially before your Lordships, and I think a law Lord ought to be careful not to prejudge a question, when he may hereafter have to pronounce an opinion upon it sitting here as in a court of law. The course which I shall pursue in consequence of the appeal of my right rev. Friend is this: I will state the case shortly and plainly to your Lordships, and leave your Lordships to draw your own conclusions. First, with respect to the authorities to which my right rev. Friend has referred, I was not here when this question was discussed on a former night; but I understand it was said that the law officers of the Crown had given a unanimous opinion adverse to the opinion stated by my right rev. Friend. That statement I know on the highest authority to be incorrect. The law officers have not given a unanimous opinion on this subject. They were divided in their opinions. I state this on the very best authority. How the parts were cast I am not enabled to say, and therefore I cannot apply the ordinary rule of *pondere non numero*. The law officers of the Crown having differed, it is natural to inquire what opinion the law officers of the Crown, on a former occasion, expressed on this question. In the year 1852 the opinion of the Irish law officers was taken on the construction of the statute, and I understand Mr. Napier and Mr. Whiteside, Gentlemen of great learning, great intelligence, and great acquirements, gave an opinion entirely opposite to what has been stated to be the opinion of the present law officers of the Crown. In addition to this, my noble Friend (the Earl of Derby) issued a proclamation directed against such proceedings as we are now considering. That proclamation would not have been issued without taking the opinion of the English law officers on the subject; nor would it have been issued if there had been the slightest difference of opinion between them. We have, therefore, the opinion of the Irish law officers of the Crown and the English law officers in the year 1852 opposed to the divided opinion of the law officers of the Crown in the year 1855. I cannot interpose in such a conflict—*Non meum est tantas componere lites.* I dare not come "within the wind of such commotion." I understand that my noble and learned Friend on the woolsack on a former evening stated that this, being a penal statute, must be strictly construed. That maxim of law no man will attempt to controvert. But there is another maxim, equally cogent, that every statute is to be construed according to its grammatical construction, unless there be some very strong reason to the contrary. The right rev. Prelate quoted on this subject the opinion of a Judge of great eminence—Mr. Baron Alderson—that an Act of Parliament, whether of a beneficial or penal character, must be construed according to its grammatical construction, unless that construction would lead to some inconsistency, or be directly and obviously at variance with the object to which the statute is directed. That is an authority above all exception. Let us consider, then, what is the grammatical construction of this clause. The words of the clause are these: "If any ecclesiastical person professing the Catholic religion, or any member of a religious order"—shall do what?—"shall exercise any rite or ceremony of the Roman Catholic religion, or wear the habits of his order, except in certain places, he shall be subject to a penalty." What is the grammatical construction of this clause? We must consider the operation of the word "or," and I submit the construction is this: If any ecclesiastic of the Roman Catholic religion shall perform any rite or ceremony of that religion, or wear the habits of his order, except in certain places, he shall be subject to a penalty; or if any member of a religious order shall perform any rite or ceremony of the Roman Catholic religion, or wear the habits of his order, except in certain places, he shall also be subject to a penalty. That is the grammatical construction of the clause; and where, then, is the difficulty? Does not every man know that the ecclesiastics both of this country and of the Romish religion are divided into certain orders, distinguished from each other by their peculiar habits? Are these not words sufficient to satisfy the grammatical construction I have pointed out? If they are, there can be no inconsistency in enforcing it. No proposition can be more simple. Why, my Lords, different orders have been established in the Church from the time of the Apostles. If you look into the Book of Common Prayer you will find that in the preface to the ordination service it is expressly stated that from the time of the Apostles different orders have existed in the Church. These orders, as mentioned in the document to which I refer, are the orders of deacons, of priests, and of bishops, all of them distinguished by different habiliments. If you look at the service for the ordination of deacons, you will find it expressly stated in one of the documents read on those occasions that these orders were instituted by the Apostles, in consequence of Divine inspiration; and it is stated, with respect to the order of deacons, that so distinguished an individual as the martyr, St. Stephen, belonged to that order. We therefore find that these orders existed from the earliest period—from the time of the Apostles—and that they were established by Divine inspiration. There is a similar document in the service for the ordination of priests, and the same thing is repeated in the service for the consecration of bishops. These orders are mentioned over and over again in the canons, and they have been sanctioned and confirmed by Act of Parliament. The statute of Elizabeth expressly states that no person shall belong to the order of deacons or priests unless he shall subscribe to the Articles of the Church of England. What reason is there, then, for not adhering to the grammatical construction of the clause, no one being able to doubt for a moment what that construction is? The only ground for overruling the grammatical construction of a clause is, that it contains something inconsistent with, that it leads to some conclusion different from, the scope and object of the Act. Passing, then, from this point, I come to the other statute adverted to by my right rev. Friend—the Irish Act. It is obvious that the English Act was taken from it. The word "orders" in that Act can only mean ecclesiastical orders, for there is no mention in that Act of religious or monastic orders. The Acts are *inpari materiâ*, and must be construed in the same way. This appears conclusive. Another rule for the construction of statutes is to consider the evil they are intended to obviate—the object against which they are directed—for an Act must be passed in order to cure some evil and to give some remedy. What is the case in this instance? I have some recollection of the Act, and I had something to do with preparing it. It was thought to be important when it was introduced, in consequence of the excitement—I may say, the irritation—which prevailed in Ireland, to prevent, as far as possible, the occurrence of any circumstance which would increase that irritation. The object, therefore, of the Act was to prevent all public displays which might have that effect. How imperfectly that object would be attained if you were to confine its application to the mere appearance of a few monks walking about the streets in the vestments of their order—how little feeling their appearance would create! whereas the ceremony which gave rise to this question was one of the most exciting and irritating that can possibly be conceived. It is described as a most gorgeous ceremony, the bishops being present in their pontifical habits of the most splendid kind, with their mitres and crosiers, and various other accompaniments; and yet you say that such a case does not come within the Act, and that it is confined solely to the monks. Is this the mode in which the Act ought to be construed? Consider what is the evil intended to be remedied, and what is the remedy provided? Having made this statement, I wish to clear myself from any impression which may have been created as to the opinion I may be supposed to entertain with regard to the policy of enforcing the Act. I say nothing upon that subject; an Act of Parliament may have been very prudent at the time when it was passed for the purpose of correcting a certain evil, and it may be extremely imprudent to act upon it after a long interval during which it may never have been enforced. I hope your Lordships will not consider, from my having stated the case in this way, that I have given an opinion as to the propriety of enforcing the Act. I do not know enough of the state of Ireland to form a sound opinion on the subject, and I therefore say nothing one way or the other respecting it. I am not called upon to give any such opinion, and I therefore decline to do so.

EARL GRANVILLE: My Lords, I do not rise to answer my noble and learned Friend, for I am entirely wanting in the qualifications necessary for a contest with him in a legal argument; and, although he commenced and ended his remarks with an assurance that he did not intend to pronounce any legal opinion, I am so utterly destitute of the knowledge of what constitutes such an opinion, that it appears to me that my noble and learned Friend did in the most clear and expressive manner give the strongest possible opinion upon the construction of the law. I regret that a question of recollection should ever arise between two Members of this House, but I certainly feel perfectly confident that the explanation I have given of what I stated upon a previous occasion is correct. I am aware that I am not always able clearly to express what I mean; but, being so confident as to what I meant on the occasion, I believe that I did then say what I intended. I certainly remarked to a friend soon afterwards that I saw I was represented in the papers to have given an opinion of the Irish law officers, when the opinion I had really given was that of the English law officers; upon which my friend observed—I am not in the least surprised at it, because I was below the bar at the time, and I could not understand a single word that you said. I think the noble Earl opposite (the Earl of Derby) has, on a previous occasion, remarked that it is unusual to give an opinion of the law officers of the Crown which is of a confidential nature, and I must therefore appeal to the right rev. Prelate to withdraw his Motion, except as regards the Proclamation, to the production of which, as it has been already published in the *Gazette*, there can be no objection. There is no doubt that the Irish law officers of the Crown were divided in their opinion upon the point of whether the prohibition to appear in ecclesiastical habiliments applied both to the regular and to the secular clergy. The question was referred to the English law officers, who gave their opinion that a distinction did exist between them, and that the words of the statute only referred to the regular orders. The Irish law officers were divided in their opinion, but not the English. I believe that the noble Earl opposite, before issuing the proclamation which has been referred to, consulted the law officers in this country, who gave an opinion contrary in some respects to that which has now been given; but, I believe, they also said, that this being a penal statute it must be strictly construed, and that the opposite view to that which they had themselves taken might be argued; and they also added another doubt to which he need not refer. I cannot sit down without protesting against the allegation that any guilt is incurred by a Government in declining, upon any isolated occasion, to act upon the opinion which the law officers of the Crown may have pronounced.

THE LORD CHANCELLOR: My Lords, I felt the great force of the observation with which my noble and learned Friend commenced his address, as to the extreme difficulty there was in any of your Lordships—and more particularly those who were called law Lords—giving a construction of the penal clauses of an Act which may be hereafter brought judicially before them for their decision. I trust, in the few observations I am about to make, I shall follow the precept rather than the example of my noble and learned Friend; for commencing as he did in saying that he would not commit himself by expressing any opinion upon the subject, I must appeal to all your Lordships whether it be possible for any defendant who may hereafter be convicted on the ground of having committed an act prohibited by this law, to appeal to your Lordships, and hope to receive an impartial judgment from my noble and learned Friend? It is impossible; for although he said he would not give an opinion, yet he has given an opinion, in the most powerful, most able, and most artistical manner, in what he called simply stating the facts, and leaving your Lordships to draw the inference. Well, I have said that I would follow the precept and not the example of my noble and learned Friend. In reference to that subject, let me call the attention of your Lordships to what has occurred. A question was put the other night by the right rev. Prelate as to the processions which had taken place in Ireland coming within the provisions of the law. I was then quite unaware that any such question would be put to me. I had not, at that time, had an opportunity of looking at the Act of Parliament; but I then remarked that, according to the wording of the clause, there were grounds for arguing that Roman Catholic ecclesiastics, wearing their clerical habits in the streets, were not within the purview of the Act of Parliament. I did not mean to say that if the question came judicially before your Lordships that would be my opinion. I merely meant to say that there were good grounds for urging such an argument. The right rev. Prelate has said, that although that might be the legal construction of the Act, still we are bound to give it a plain grammatical construction. My noble and learned Friend, I think, in his construction of it, has perhaps misunderstood the clause. He has told us what the word "orders" means; but the question is not what "orders" in general means, but what is the meaning of the word in this particular clause of the Act. I am extremely averse to give my construction of the word, because I may hereafter be called upon in my judicial capacity to put a construction upon it. But I wish to point out that the word does not mean, or does not necessarily mean, the orders of priests and deacons; but, simply, monastic orders. What are the words of the Act?—

> " And be it further enacted, that if any Roman Catholic ecclesiastic, or any member of any of the orders, communities, or societies hereinafter mentioned, shall after the commencement of this Act exercise any of the rites or ceremonies of the Roman Catholic religion, or wear the habits of his order, save within the usual places of worship of the Roman Catholic religion, or in private houses, such ecclesiastic or other person shall, being thereof convicted by due course of law, forfeit for every such offence the sum of *50l.*"

Now, my noble and learned Friend says that the words, "wear the habits of his order" apply equally to both nominative cases, which are separated by the disjunctive conjunction "or"—that is to say, to the words "any Roman Catholic ecclesiastic," as well as to the words "any member of any of the orders, communities, or societies therein mentioned;" but is that quite clear? Can a member of the monastic orders exercise any ceremony of the Church of Rome? Can they do it? That is a question of fact. If they cannot, then the first nominative case can only apply to the first verb, namely, "exercise," and the second nominative case will then naturally only apply to the other verb, "wear." There may, therefore, be ground for contending that the clause must be construed distributively, and that it refers to priests exercising the rites of their Church and to monks wearing the habits of their orders. But I am very much afraid of being betrayed into giving an opinion upon the construction of an Act which I may have to construe in a different way on another occasion. All I said on the subject the other day was, that I thought that that may probably be the construction of the clause. Supposing it should be contended that a monk is an ecclesiastic, and that he may be punished, if not as a monk, yet as an ecclesiastic, is that the construction to be put upon the words of the Act? Supposing, instead of the penalty being a pecuniary one, it were enacted that those guilty of the offence should be punished with death, is it to be said that the clause should be construed so strictly that a priest not a member of any order wearing his habits of a priest not within the usual places of worship of the Roman Catholic religion, should be punished with death? It is a mode of construction which might be argued at your Lordships' bar, but do your Lordships think it could be done with success? But, whether it could or not, I wish to keep my mind perfectly unaffected by the arguments that may be urged upon it.

LORD ST. LEONARDS said that he would not shrink from giving an opinion on this question, because when a member of the Administration of the Earl of Derby he had found himself in the position of being compelled to come to a positive conclusion with respect to what was the correct construction of this statute, and to stake his reputation as a lawyer and a statesman upon the soundness of his interpretation. Nay, more. As Lord Chancellor, he had been obliged to give effect to his opinion by issuing the Proclamation which informed the people of England and Ireland that a thing which was said to have been lawful was in fact unlawful, and that the penalty under the Act of Parliament would undoubtedly be enforced. But if the opinion which had been given the other way was right, he, of course, was entirely wrong. The Proclamation was sent forth upon the clear understanding, right or wrong, that that which had to-night been stated by his noble and learned friend (Lord Lyndhurst) was the law. Upon that point no doubt whatever was entertained either in the mind of the Government or in his own mind. He felt no difficulty in stating, that if he saw that he had fallen into an error, he would have judicially corrected that error; but on the contrary he did not believe that he was in error, and he had no hesitation in expressing before their Lordships a clear, confident opinion that that which he proclaimed to be the law in June, 1852, was the law, according to the clear meaning of the 26th clause of the Catholic Relief Bill, of 1829. With regard to the grammatical construction of the clause, and the argument respecting "orders," let them see what that amounted to. After having very properly repealed many penalties, and required ecclesiastics to make certain declarations, he found a proviso in section 11 to the effect that no penalty in the Act contained should extend or be construed to extend to any Roman Catholic ecclesiastic who should officiate in any place of religious worship, or exercise any of the rites or ceremonies of his religion, or wear the habits of his order, in any place of religious worship or in private houses. Here there was every single word that they found used in the other clause, and the words "of his order," applied exclusively and simply to the Roman Catholic ecclesiastics, and not to the monastic orders only. How then could there be a doubt as to the proper understanding and construction of the Act in the mind of any human being who was capable of reasoning. And, while they were thus talking of the Act of Parliament, they must not lose sight of what was the real intent of the Legislature in enacting it. They were not bound even by the grammatical construction of the Act; on the contrary, there might be strong reasons for setting themselves against that construction; but, if they found that the intention of the Legislature and the grammatical construction concurred, there was nothing to find fault with. It was intended, and it ought to have been intended. It was policy, and it was the true policy. The policy of the law before this Act was passed was to prevent any public displays that were likely to give rise to irritation, and the purpose of this Act was to continue that prohibition, to enforce it, and even to carry it still further than before. And why was it in the Act? Because, although the country was resolved to have no more Jesuits—in which it acted wisely—within its dominions, and not to allow these monkish orders to come into the country, it did tolerate them so far as to allow those who were already here, who belonged to the country, or who came here within a short period, to remain under certain restrictions, and this Act was intended to apply to them while they remained. The intention of the Legislature was not to put an end to Roman Catholic establishments, but it was desired to exclude the monkish orders. Could it then be maintained that this Act was only to apply to that body whom it was intended for the time to come wholly to exclude from the kingdom, but was not to extend to those who were allowed to remain, and form a permanent part of the community? It was impossible, in his opinion, to do so; and he could only say, in conclusion, that, having read the clauses over frequently, he had been unable to bring himself to entertain the slightest doubt that the words so often quoted referred both to the secular and the regular priests of the Roman Catholic Church.

The Bishop of EXETER, in reply, appealed to the House whether it was fair for the Government to obtain the opinions of the law officers of the Crown, and to keep their Lordships altogether in the dark respecting them. He must say that that was not equal justice. After the speeches they had heard to-night the case had really become ridiculous, and he should not think it worth his while to disturb the practice by moving for any other papers than the Proclamation.

Motion, as amended, *agreed to.*

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, March 6, 1855.

MINUTES.] NEW WRIT for Portsmouth *v.* Viscount Monck, Commissioner of the Treasury.

NEW MEMBER SWORN for Halifax—Right Hon. Sir Charles Wood, bt.; for Northampton Borough, Right Hon. Robert Vernon Smith; for New Radnor, Right Hon. Sir George Cornewall Lewis, bt.

1° Lunacy Regulation Act Amendment.

PAUPER CHILDREN—QUESTION.

MR. MILES said he begged to ask the right hon. gentlemen the President of the Poor Law Board whether any communication had taken place between the President of the Privy Council and himself relative to the education of children receiving outdoor relief; and if so, whether there was any objection to lay such correspondence before the House?

MR. BAINES said he had no objection to lay the correspondence on the table.

MR. MILES said he could now ask the right hon. gentleman whether any communication had taken place between himself and the Emigration Commissioners relative to the Act passed by the New

South Wales Legislature (16 Vic., cap. 42, sec. 7 & 8), whereby the Emigration Commissioners are declared competent to engage any boy or girl of and above the age of thirteen, from any parish or board of guardians, the parents or guardians of whom shall be willing to contribute towards their passage to the colony, the colony paying a sum not exceeding 8*l.* sterling towards the passage money; such children, upon their arrival at the colony, to be apprenticed to proper employers under certain conditions.

MR. **BAINES** said that a correspondence had taken place on the subject referred to, and he had no objection to its production.

THE CRIMEAN MEDAL—QUESTION.

MR. **OWEN STANLEY** said he begged to ask the First Lord of the Treasury, or the hon. gentleman the Under Secretary for War, if it was intended that the Crimean medal shall confer two years' additional service, or any peculiar advantages similar to those conferred by the Waterloo medal in 1815?

VISCOUNT **PALMERSTON** said that, undoubtedly, the actions in the Crimea were actions in which the brave troops of this country displayed as much valour as ever was evinced on any former occasion; but, although a medal had been conferred, it was not intended to accompany it with the privilege of counting these actions as two years' service. The hon. Member must be aware that battles were fought in the Peninsula, in which the success was as great and complete as that obtained at Alma and Inkerman, but in respect to which no such privileges were conferred. The battle of Waterloo was an event of a totally different character. It put an end to a long war; it decided the fate of Europe; and was not a precedent for anything connected with the actions which have been fought in the Crimea.

ADMINISTRATION OF THE ARMY—QUESTION.

MR. **HUTT** said, that seeing, by official correspondence, that when the Duke of Newcastle found it necessary to recall Lord Lucan from the command of the British cavalry in the Crimea, he was compelled to obtain the interposition of Lord Hardinge for that purpose, he wished to ask the First Lord of the Treasury whether, among the improvements in the administration of the army which he promised to the House on his accession to office, he proposed to empower the Secretary for War to effect such changes without the intervention of the Horse Guards?

VISCOUNT **PALMERSTON** said, that no change was intended to be effected in the military subordination of the army, and therefore the Commander in Chief would be the authority whose orders and directions would either appoint or withdraw officers from the staff; but the actions of the Commander in Chief would necessarily be subjected to the decision of the Government on matters of sufficient importance to require that decision, and their decision would be communicated to the Commander in Chief by the Secretary of State for the War Department.

THE CITY OF LONDON CORPORATION COMMISSION—QUESTION.

MR. **LABOUCHERE** said, the report of the Royal Commission on the subject of the corporation of the city of London had now been for some time in possession of the House and the country. He wished to ask the right hon. Gentleman the Secretary for the Home Department, whether he had had an opportunity of considering the report; and, if so, whether it was the intention of the Government to propose any measure during the present Session?

SIR **GEORGE GREY** replied, that a Bill was in preparation founded on the recommendations contained in the Report of the Commissioners for the reform of the Corporation of London; but it was desirable that the House should, in the first place, consider the Bills relating to the metropolis generally, which had been introduced by his right hon. Friend (Sir B. Hall). He hoped, however, to be able to bring in a Bill for the reform of the corporation in the course of the present Session.

THE CAPE—THE KAFIRS—QUESTION.

MR. **LIDDELL** asked whether the Government had received any official information from British Kaffraria which was likely to cause the apprehension of another Kafir war?

SIR **GEORGE GREY** said, that at the date of the last despatches from the Governor of the Cape of Good Hope, no act of hostility had taken place. Considerable uneasiness and alarm existed on the eastern frontier on account of the supposed hostile intentions of the Kafirs and the Fingoes, who had combined together with no friendly intention towards the settlers. In the last dispatch, dated the 30th December, the Governor said, the latest accounts he had received were of a more satisfactory and cheering character, and he was on the point of going to the frontier to hold communication with the chiefs of the Kafirs and Fingoes, from which he hoped beneficial results would follow.

THE RECORDERSHIP OF BRIGHTON.

MR. CRAUFURD said, he rose to move for the appointment of a Select Committee to take into consideration the case of the appointment of Edwin James, Q.C., to the office of Recorder of Brighton, the said Edwin James having been refused admittance to the Bench of the Inner Temple on account of his conduct in respect of certain transactions connected with the election for the borough of Horsham in 1847. He felt that, in undertaking to bring forward this question, he had entered upon a task of serious moment and of a very painful nature. It was not the less painful that Mr. James was a member of the same profession as himself, of the same inn, and of the same circuit. He was not actuated, however, by any personal motives. He had no acquaintance with Mr. James beyond the casual intercourse incidental to their meeting on circuit. He could bear testimony to that gentleman's eminent abilities, high legal attainments, and forensic talent, having often witnessed the ingenuity and skill with which he conducted the cases of his clients. But this appointment was of a judicial character, the holder of which should be above the slightest breath of suspicion. The question which he was about to bring under the notice of the House was one which ought not to be introduced on light grounds, but he felt satisfied, from the information in his possession, that if the House would grant him a Committee he should be able fully to prove his case. About a fortnight ago he asked the noble Lord at the head of the Government whether the new recordership of Brighton had been conferred upon a Queen's counsel who had been refused admittance to the bench of his inn? The noble Lord said it was not true that a gentleman had been appointed to the office referred to who had been refused admittance in the way stated. The learned person whom he had appointed had not been so refused. He had selected from amongst the candidates who had been presented to him the individual who, according to the testimony of high legal authorities, appeared to him to be the best qualified. He had no personal knowledge of any of the candidates, but selected the one who brought the highest testimony from legal authorities of professional competency, and he had no reason to think he had erred in making the appointment. The noble Lord qualified his answer, and said that Mr. James had not been refused in the manner he (Mr. Craufurd) had stated, that he had not been "so" refused. It might, perhaps, be argued, in the strict sense of the word, that the learned gentleman was not refused, inasmuch as he was not proposed; but that amounted to a mere quibble, for in point of practice he had been refused admittance. Complaints were made to the benchers against him; he was called upon to explain, and, after explaining, was not admitted to the bench of his inn, as was usual in the case of counsel receiving a silk gown. The case he had to submit to the House had reference to the Horsham election in 1847. The successful candidate at that election was the son of the then Attorney General (Mr. Jervis). Mr. James, having property in the neighbourhood, took a very active part in the election. A petition was presented against the return of Mr. John Jervis, on the grounds of treating and bribery. When the Committee appointed to try the petition assembled, the counsel for Mr. Jervis admitted the treating, and at the same time submitted to a Resolution declaring the election void, and suggested that the petitioner ought to be satisfied and withdraw the charge of bribery. Perhaps the Committee shrank from going into evidence which would have proved a distinguished Whig Attorney General to have been guilty of gross bribery. The Committee, however, required some proof of the treating—some explanation to satisfy their consciences that they might abstain from reporting on the extraordinary conduct of withdrawing the charges of bribery when they were so notorious. If the Committee had gone a step further, they would have ascertained that by some collusion the charges had been withdrawn on condition that the election should be void. One gentleman who was examined stated his readiness to give the names of certain parties, but the Committee decided that they would not call upon him to do so, and they reported that the circumstances did not call for a special Report. If the

Committee had examined into the matter, they would have found that one of the parties engaged in the compromise had rendered himself liable to the payment of 1,500*l.*, and Mr. James undertook to pay that sum if the other party failed to do so, towards the costs of the petition if the bribery charges were withdrawn. Those charges were withdrawn, but the money had never been paid. It was an illegal contract, and consequently could not be enforced, but it was, nevertheless, an honourable engagement which Mr. James had never fulfilled. A complaint to the benchers against Mr. James for having failed to pay that money was not entertained, because Mr. James had not acted in his professional capacity, either for the member or the petitioner. Actions were, however, tried at the assizes at Lewes, both against Mr. James and the Attorney General, Sir John Jervis. The action against Mr. James resulted in a verdict for the defendant, owing to the exclusion of some evidence by a ruling of the Judge, to which a bill of exceptions was tendered. That bill of exceptions was never argued. As to the reasons of that, hon. Members could form their own surmises. The other action was, after the examination of some witnesses, abandoned. When the House was professing to be in earnest in suppressing bribery, and when Her Majesty's Government were bringing forward Bills to effect that suppression, and to punish those who were guilty of bribery, it behoved the House to be particularly careful in seeing that the offence was not connived at when committed by persons holding high stations in society. He thought the House was not in earnest, or they would not object to the assertions he made, and which were capable of proof. He believed it could be shown that there had been gross bribery on the one hand, and protection of bribery on the other. Subsequently to those transactions, Mr. James was promoted by being called within the bar, and the then Attorney General—Sir John Jervis—was advanced to the bench. When Mr. James applied to be made a bencher, he was called upon to explain the circumstances as to his having contracted the obligation to pay the sum of 1,500*l.* provided the charge of bribery were withdrawn, and why, having entered into that arrangement, he had not performed it? But up to this moment he had not explained it. He (Mr. Craufurd) had precedents in favour of the course he was now pursuing. There was the case of Mr. Stonor, in which unparalleled cruelty was practised upon a professional man. That gentleman, after having left this country, on being appointed to a Judgeship in one of our colonies, was abandoned by the Government who had appointed him, although he had produced the highest possible testimonies in answer to the charges that were made against him. He admitted that that was a case of extreme hardship, but he could not understand in what way the Government could defend the appointment of Mr. James after having treated Mr. Stonor in the way they had done, and which, he believed, had been his complete ruin for life. Well, Mr. James applied to be admitted a bencher of the Inner Temple. Now, he had always understood that the benchers were the *custodes* of the character of the bar. If, therefore, those hon. Members who were benchers wished to uphold that doctrine, they would support the principle for which he was contending. In the case of Mr. Whittle Harvey, the question was raised whether the benchers had the power of refusing admission to the bar; and it was, in that case, stated that the question rested wholly with them, and that they had the right to refuse admission to the bar to whomsoever they might think unworthy. If this were so, then still more ought they to exercise that right in regard to the admission of a member of their own body. He had himself frequently complained, both in writing and in public, that the benchers had not acted fairly towards the public in neglecting to exercise their powers of rejection. If they were justly open to that charge, it made his argument the stronger when a case occurred in which they did exercise their jurisdiction, and it afforded a greater reason for supporting them in their decision. This was not the first case in which he had tried the experiment as to whether there was any sincerity on the part of the Government to put down bribery and corruption at elections. In 1853 he moved for the production of papers in the case of the Canterbury election, when an attorney was accused of having been guilty of subornation of perjury, and those papers were refused upon the usual excuse that, as the Commissioners of inquiry into that case had not chosen to take notice of the fact, the House was not called upon to interfere. In bringing forward this Motion he had not sought to attack any one individual, but he felt it his duty, in a case involving bribery and a breach of the privileges of the House, not to suffer it to pass unnoticed. However painful and distressing it might be to have even the suspicion of personal motives entertained against him, still the duty he owed to the public interest was paramount to all other considerations; and if there existed any sincere desire to put down bribery, the case of the appointment to a newly-created recordership of a gentleman who was believed to have participated in a gross instance of bribery ought to command the deliberation of the House. It was most important to bring matters of this nature before the House, so as to ascertain whether judicial appointments were to be the reward of honourable and straightforward conduct in the profession, or whether mere ability and forensic talent, combined with a political connection with the Government, were to carry the day. One would suppose that a newly-appointed recorder would have been most anxious to study the convenience of the public and of the court over which he presided; but what was the case in this instance? The Brighton sessions, which commenced last week, were exceedingly heavy, lasting beyond the first day—but on the assembling of the court on the second morning, much to the astonishment of every one, a Deputy appeared in place of the Recorder, who had returned to town to attend the Cambridge Election Committee. Now, although recorders were undoubtedly empowered to appoint a Deputy in the case of illness or unavoidable absence, he put it to the House whether this was such a case of unavoidable absence as would justify the proceeding? The noble Lord (Viscount Palmerston) in answering his (Mr. Craufurd's) question on this subject the other day, left the impression that he had made a wanton attack, and that he was not correct in stating that Mr. James had been refused admittance as a bencher. But the noble Lord inserted a qualification in his reply, which made it incumbent that he (Mr. Craufurd) should proceed with the case; and, if the House thought proper to grant a Committee, he should be prepared to prove statements involving the *bona fides* of the Government in reference to questions of bribery, and with regard to appointments to judicial offices.

Sir JOSHUA WALMSLEY seconded the Motion.

The ATTORNEY GENERAL said, that he trusted the House would not require many observations from him to satisfy it that this Motion ought to be rejected. He was bound to assume, and did assume, that the hon. and learned Gentleman who had made it, had brought forward this proposition from the purest and loftiest motives; but he could not help noticing what he considered the want of taste shown in the manner in which the hon. and learned Gentleman had brought forward his proposition. He had thought right to travel out of the record, and, not content with attacking Mr. James, he had seized the opportunity while alluding to transactions which took place some time since, to direct his attack also against another. He had told the House that if certain proceedings had been carried to the extent they ought to have been, the effect might have been to criminate a Gentleman whom he termed "a distinguished Whig Attorney General." That distinguished individual was now a Member of the judicial bench in one of its highest positions, and was not there to answer for himself. Eight years had passed since the transactions in question, and the hon. and learned Gentleman had thought fit to attack that eminent and distinguished individual at the time when he perfectly well knew that he could not defend himself. Not only this, but besides attempting to make out a case against Mr. James, he went further, and referred to the accidental absence of that Gentleman last week from Brighton, as if that, except to create a prejudice, had anything to do with the matter before the House. He would ask any hon. Gentleman who had heard this statement whether the case against Mr. James was worthy of a moment's consideration. Now, what were the real facts of the case. It appeared that in 1847 Mr. James, being a resident in the neighbourhood of Horsham, took an interest in an election for that place, and having been active on behalf of an hon. Gentleman who was returned, he was a party to some compromise in an Election Committee. In that, of course, the House would at once perceive, he acted in his private, not in his professional, capacity. If in doing so he did anything which made him amenable to the House, there were abundant means of investigating the matter long ago, and he (the Attorney General) did not know why the hon. and learned Gentleman, who had for some time been a Member of that House, waited until Mr. James was appointed Recorder of Brighton, and then raked up this stale story for the purpose of prejudicing him. It appeared that Mr. James entered into some arrangement, which the party principally interested did not think proper to ratify, alleging that Mr. James had gone beyond the limits of the discretion vested in him, Mr. James having acted, as he had always alleged, *bonâ fide* in the belief that he was only carrying out that which he was authorised to do. There was a third party, who alleged that he had a grievance against Mr. James, and called upon him to fulfil the conditions. Mr. James replied, "You knew all the time that I was acting only on the part of another person, and you have no right to look to me personally for the fulfilment of the agreement." This person, it was, who brought the matter before the benchers of the Inner Temple. The benchers were of opinion that it was not a case in which they were called upon to adjudicate, and they let the matter remain where it was. Afterwards Mr. James was made a Queen's Counsel, and it was said that he was rejected by the benchers on account of what took place with reference to the election at Horsham. Now, he never was rejected at all, and if he had been it would have been nothing to the present purpose. When a Gentleman, having become one of Her Majesty's Counsel, offered himself for election as a member of the bench, it was not a matter in which his personal conduct was made a subject of question, or upon which a division took place in which the majority bound the minority. The benchers of the Inner Temple maintained their indisputable right to exercise a power of selection without being accountable to any one, and in this the Judges had held them to be right. Instead of being a question of the majority binding the minority they proceeded on the principle of a club, and, there being about forty benchers, four black balls excluded. Was he to be told that, because a gentleman found that he was objected to by three or four individuals, and chose to withdraw, that was to be a bar to his professional advancement under any circumstances? The proposition was monstrous. He thought it was in point of fairness and honour incumbent upon the hon. and learned Gentleman (Mr. Craufurd) to have informed the House how the benchers of the Inner Temple proceeded in cases like the present. Now, he would ask was it either fair or just that a man's character and chance of professional advancement were to be blasted by a Motion of this description, and that the House should not be told under what circumstances the election really took place? If the hon. and learned Gentleman thought it necessary, under his deep sense of public duty, to make an attack upon an individual, which, to say the least, did not savour much of liberality and generosity, he was at least bound to state all the circumstances, and keep nothing back. Under these circumstances, the fact of Mr. James not having been elected a bencher might be a subject of regret to himself and to his friends, but it afforded no reason why he should be excluded from his fair chance of advancement in his profession. He (the Attorney General) knew at that moment two or three gentlemen who had been raised to the dignity of Queen's counsel, but had not been elected benchers of the Inner Temple, although no charge whatever could be adduced against their personal characters. It would merely appear that they did not happen to be popular men, and it was perhaps considered that they might be obnoxious to other gentlemen who were already benchers. Every Queen's counsel took his chance of the ballot on those occasions, just as gentlemen did when they sought admission to a club. That was the case with Mr. James, and let the House remember that there had been no adjudication and no decision affecting him. When the hon. Gentleman said that the benchers of the Inner Temple were the *custodes morum* of the profession, he failed to distinguish between cases in which they acted in that capacity, and when they acted as members of a society, admitting or excluding whom they pleased. The charge was made, but the benchers decided that it was not a proper one for them to decide. If there had been a public decision, excluding Mr. James upon the ground that there was anything affecting his personal honour, that would have been a serious objection to his appointment. But these proceedings were no more made known to the world and to the Government than were the elections and decisions of private clubs, and it was utterly unknown to the Government that Mr. James had been rejected by the benchers of the Inner Temple, still less that he had been rejected for a particular reason now specified. How the hon. and learned Gentleman had obtained that information, he (the Attorney General) did not know; but he now made it a charge against the Government that they had appointed Mr.

James after he had been rejected by the bench of the Inner Temple because he was mixed up in this election case, and he then called upon the House to assist him in a personal attack upon Mr. James, which, if carried, would be fatal to that Gentleman's professional prospects, on the ground that the House was anxious to put down bribery. Was that fair, or was it honourable? The hon. and learned Gentleman did not prefer it as a charge, but, feeling how rotten was his case, he introduced this matter of bribery. Then he told the House that certain actions were tried, that one failed because certain evidence was rejected by the Judge, and that a Bill of exceptions was tendered but was not gone on with. Then said the hon. and learned Gentleman, "We can form our own private surmises how the Bill of exceptions came not to be proceeded with." He (the Attorney General) could form a surmise, and, he trusted, a more charitable one than that of the hon. and learned Gentleman. His surmise was that it was not gone on with because it was found not to be tenable. Then there was the other action, in which one of our highest judicial functionaries was concerned. The hon. and learned Gentleman did not care for a person being absent. He scattered imputations broadcast, and then told the House that he was actuated by the highest and purest motives. He (the Attorney General) was perfectly satisfied that the House would feel that this was a matter which ought not to be further entertained. The hon. and learned Gentleman (Mr. Craufurd) did not appear to be anxious to do justice to absent men; but he (the Attorney General) was. One of the competitors for this office, and one whose claims were well worthy to be taken into consideration, was Mr. Clarkson. As soon as Mr. Clarkson heard of this proceeding of the hon. and learned Member for Ayr, he came to him (the Attorney General) and said:—"You have known me a great many years, and were good enough to give me a testimonial for this office. You know me too well to suppose I have anything to do with this Motion." He (the Attorney General) was afraid that it would not be cautious in him to mention the reply which he made. He hoped the House, however, would mark its sense of this proposition by unanimously rejecting it; and he even trusted the hon. Gentleman who seconded the Motion would not go into the lobby with the hon. and learned Gentleman.

The Attorney General

Mr. I. BUTT said, the hon. and learned Gentleman the Member for Ayr had thought fit to declare that the House had rejected his Motion for papers, which, if produced, would have established a charge of subornation of perjury against a respectable solicitor. The candidate for Canterbury, on behalf of whom that solicitor had acted, was his (Mr. Butt's) intimate friend, and, when the hon. and learned Gentleman made that charge on a former occasion, he (Mr. Butt) replied to it, and he was now surprised that the imputation should be repeated after the House had decided that an ample vindication of the accused party had been given.

Mr. ATHERTON said, he thought that it was only justice to Mr. James that some other member of the profession, and one upon the bench of the Inner Temple, should confirm the statement of the hon. and learned Attorney General as to the qualifications and character of Mr. James, and also as to the practice of the bench of the Inner Temple. Although the hon. and learned Gentleman (Mr. Crawfurd) referred in his Motion to the transactions at Horsham, it was not, either by its terms or upon any fair construction, a Motion asking the House to grant a Committee, on the ground of Mr. James having been concerned in those proceedings. On the contrary, the only meaning which any one could arrive at from the speech of the hon. and learned Member was, that the hon. and learned Member asked for the Committee on the ground that certain transactions occurred some years ago at Horsham, upon which a competent tribunal of forensic morals—the bench of the Inner Temple—had pronounced a judgment adverse to and damnatory of Mr. James. The hon. and learned Gentleman (the Attorney General) had stated most correctly that it was no imputation at all—that it was not the slightest censure, by implication the most remote and shadowy, upon any gentleman, a member of the Inner Temple, who might receive a silk gown, that he was not forthwith elected a member of the bench. Of late years there had been many instances of gentlemen upon whose character, private and professional, not the slightest imputation could be cast, who had become Queen's counsel, but whom, for some reason, the benchers, exercising their absolute discretion, had declined to take into the bench. Upon this matter the bench, though a complaint was made, had pronounced no decision. If this Motion were entertained, the House would, in addition to the enormous amount of public and private business they had to despatch, be setting themselves up by their Select Committees as inquisitors and censors into the substance or shadow of every supposition which might result either from the idleness or malice of any individual.

Viscount PALMERSTON said, he wished to repeat what he had stated on a former occasion that, when he was called upon to fill up the appointment in question, a great many applications were made, and he felt it his duty to ascertain which of the candidates, from professional standing and legal attainments, was best qualified for the office. He accordingly made inquiries, the result of which was that he arrived at the conclusion that Mr. James was, on the whole, from his position at the bar, and from the testimonials of his legal acquirements, the most competent person for the position. That gentleman had further in his favour the fact that a large number of the town-council of Brighton had signed a paper expressing a desire that Mr. James should be appointed the Recorder of that town. He (Lord Palmerston) had no personal knowledge of any of the candidates—had never seen any of them, and had no other motive in selecting Mr. James than to perform his duty to the best of his ability. As to the particular circumstances connected with the admission or non-admission of the learned Gentleman to the bench of the Inner Temple, he (Lord Palmerston) never heard of it until the hon. and learned Member gave notice of his question. Upon seeing that notice, he inquired and found what he stated in reply to the question, that Mr. James had not been rejected as a bencher because he had never been proposed.

Sir JAMES DUKE said, he willingly bore testimony, as a friend of Mr. James, to that gentleman's high character.

Mr. CRAUFURD in reply, said he could not reconcile the sneers of the hon. and learned Gentleman (the Attorney General) with his professed defence of Mr. James. The hon. and learned Gentleman had sneered at his having felt it to be a public duty to bring forward this Motion, and insinuated that he was actuated by private motives, and more, that he was the mouthpiece of some disappointed candidate.

The ATTORNEY GENERAL: I never insinuated any such thing; on the contrary, I attributed to the hon. and learned Gentleman none but the highest and purest motives, and I also stated that there was not one of the candidates who did not repudiate the Motion.

Mr. CRAUFURD said, he had understood the hon. and learned Attorney General to maintain that the benchers of the Inner Temple, who acted upon some occasions as *custodes morum*, had an arbitrary power of electing whom they pleased, as a mere private club; and that was very different from his notion of their position. But if the charges which he (Mr. Craufurd) had brought forward were unfounded, he trusted the House would at least believe that he had acted from a conscientious conviction; and, at any rate, the objectionable circumstances having been explained away, and the charges not being sustained, the result would be all that the friends of Mr. James could desire. But the Attorney General had not denied that the Recorder of Brighton was called upon to explain the charges against him, and it was notorious in the profession that such an inquiry did take place before the benchers. He (Mr. Craufurd) considered that the case he had made out was not yet answered, except by the sneers of the hon. and learned Attorney General.

Sir JOSHUA WALMSLEY said, he wished to explain, at the same time, the reason why he had seconded this Motion. He had reason to think that the House, and especially the person who had been accused of improper practices, would rejoice that he had done so, because it had given the Attorney General and other persons an opportunity of vindicating that gentleman, whom he (Sir J. Walmsley) believed to have been injured by the statements which had been made. He had seconded the Motion upon the impulse of the moment, and at the request of the hon. and learned Member for Ayr; but, after the statements which he had heard, he certainly could not feel it consistent with his duty to vote for the Motion.

Motion *negatived.*

Mr. I. BUTT said, that no division having taken place, he should move that everything connected with this matter be expunged from the Journals of the House. There was a precedent for doing so in 1832, when the late Mr. Cobbett brought certain charges against Sir Robert Peel. Immediately after they had been negatived by the House, the House passed such a Resolution as he (Mr. Butt) now proposed;

and if ever there was an occasion on which the House ought to teach the lesson that its proceedings were not to be used as the vehicle of imputations on private character, this was such an occasion. He rested this proposition upon the wording of the hon. and learned Gentleman's Resolution. If the hon. and learned Gentleman (Mr. Craufurd) had contented himself with moving that an inquiry be instituted into the circumstances of Mr. Edwin James's appointment, it would be different; but his Resolution was worded thus; "The said Edwin James having been refused admission to the bench of the Inner Temple on account of his conduct in respect of certain transactions connected with the election for the borough of Horsham in 1847." He, therefore, asked the House not to allow their Journals to be referred to twenty years hence as a proof that there were circumstances in the conduct of Mr. James which the House of Commons thought it necessary to inquire into.

MR. CRAUFURD said, he objected to the Motion. What he had stated was, that if a Committee were granted he should be prepared to prove the statements he had made; but when he found that even the hon. Gentleman left him who had seconded his Motion, he could not put the House to the trouble of dividing. The House having refused to grant an inquiry —a refusal equally unjust to himself and to the learned Gentleman whose name was involved in it—he (Mr. Craufurd) must still object to any such Motion as that his Resolution should not be placed on the Journals.

Motion *agreed to.*

MASTERS AND OPERATIVES.

MR. MACKINNON said, he wished to call the attention of the House to the inconvenience now felt in this country from the want of equitable tribunals by means of which any differences between masters and operatives might be satisfactorily adjusted, and from which other advantages might be gained in disputed claims. He begged to move that an humble Address be presented to Her Majesty, praying that the necessary information as to the *Conseils des Prud'hommes* in France, might be obtained by a Commission or otherwise. The subject was one which, in his opinion, was of the utmost importance, and a very strong feeling existed throughout the country in favour of the establishment of councils of arbitration. There was one club in London alone, consisting of, he believed, 16,000 members, and there were other clubs in various parts of the country which had been established for the purpose of advocating the establishment of equitable tribunals, by means of which disputes might be adjusted without incurring legal expenses. It might be said that the principle of such tribunals was not recognised by the law, but he could not admit such assertion, for by the 39 & 40 *Geo.* III. power was given to settle certain cases by arbitration, and to make the decision thus arrived at legal. About thirty years back a Committee, consisting of some of the most influential Members of that House, had agreed to a Resolution, that "the principle of settling disputes by arbitration was not against the law of the land, and that it was attended with good results to the parties concerned." It appeared, therefore, that there was nothing in the establishment of councils of arbitration opposed to any principle of law, and, in his opinion, such tribunals would be highly beneficial generally, and more particularly so in two instances. They would, in the first place, be of the greatest benefit in settling disputes concerning patents and designs, but, what was of still more importance, they might conduce to the prevention of such strikes as had lately occurred at Preston, Leeds, and other manufacturing districts, and which might at some period be productive of great danger. He would adduce one instance in the case of a disputed patent which would explain to the House the advantage of these councils of arbitration. He would take the case of a person in poor circumstances who, by his industry and ingenuity, had succeeded in perfecting a valuable invention. To secure the advantages of his own skill he was obliged to take out a patent, and the expense of so doing might, perhaps, consume all his means. When, however, he was beginning to reap the reward of his ingenuity, another person might make some slight alteration in the invention, take out a new patent, and the original inventor, not having the means of defraying law expenses, might be deprived of the just reward of his skill. He should wish to see established councils of arbitration, consisting of masters and workpeople, the masters to be elected by the workpeople, and the workpeople to be elected by the masters, for he thought that a body so constituted would be better adapted to settle disputes concerning patents than the ordinary courts of law, and it would at the same time be of great advantage in settling disputes which might occur between masters and workpeople, which, if not settled, might lead to strikes similar to those which had lately taken place. He had had the opportunity of observing in France the working of the *Conseils des Prud'hommes*, and he was satisfied in his own mind, that those tribunals had greatly conduced to the prosperity of that country. Those tribunals were first established in the year 1806. At that period the Emperor Napoleon, on his way to Milan, passed through Lyons, and the manufacturing population of that town waited upon him, and requested him to establish a tribunal of that description for the adjustment of disputes between masters and workmen. Napoleon took the matter into consideration, and issued a decree establishing a *Conseils des Prud'hommes*. This tribunal worked perfectly well in France; it had kept up a good feeling between the master and the workmen, and had fully answered the object for which it was established. Now, there might be objections to the establishment of such a tribunal in this country, though he did not think there were; but what he would ask the Government to agree to was, the appointment of a Committee of the House to investigate the subject. As it was worded upon the notice paper, his Motion was for the appointment of a Commission, but he thought the best course would be for him to conclude by moving for a Select Committee to see how far the establishment in this country of *Conseils des Prud'hommes*, or councils of arbitration, would be attended with benefit to the people of this country.

Motion made, and Question proposed, "That a Select Committee be appointed, to inquire into the operations of the 'Conseils des Prud'hommes' in France."

Sir GEORGE GREY said, there could be no doubt as to the importance of any measure which could be adopted by which differences between masters and men could be satisfactorily arranged. He did not, however, think that there was any necessity for the appointment of a Committee or Commission to inquire into the subject referred to by the hon. Member, as the fullest and most complete information existed with reference to these institutions in an official edition of the French laws, which he should be happy to place at the disposal of the hon. Member, if he had not already seen it. With respect to any further information which might be required, it could be easily obtained through his noble Friend the Secretary of State for Foreign Affairs, who would make application to the French Government, if such a course were considered necessary. Looking to the jurisdiction exercised by these bodies, he thought that they would be ill suited to the manufacturing and trading population of this country. He was perfectly willing to lay before the House all the information the Government possessed upon the subject, and he trusted that that would satisfy the hon. Member.

Mr. INGHAM said, he wished to refer to a court of arbitration of this kind which had been established in Sunderland and had worked very satisfactorily. He thought it would be very desirable if the Secretary of State for the Home Department would endeavour to give something like a legal constitution to those courts which had been voluntarily established in various places, so as to give authority to their judgments.

Mr. WILKINSON said, he had no objection to voluntary arbitration, but he objected to giving such tribunals any legal power to arbitrate on the rate of wages, or anything of that sort. Unless a court of arbitration had legal jurisdiction it would be inoperative, and if such powers were given it, there might be injurious interference in matters that should find their level in the market.

Lord ROBERT GROSVENOR said, that, at a very large meeting held last year in the manufacturing districts, the establishment of some court of this nature was approved of almost unanimously. He did not believe the courts in France, which had been alluded to, had any arbitrary power to settle the wages of any particular trade in any given district; they had only power over such things as were specially referred to them. He hoped the subject would not be lost sight of. They must not suppose, because a strike commenced in November, and was over in December, that it was all done with. It was put an end to then only to be renewed on a more favourable occasion, and left much ill-feeling. He thought the subject well deserved the attention of the Government, and he hoped that at all events the hon. Member (Mr Mackinnon) would not let it rest, but when he got the information would bring in a Bill on the subject.

Mr. MACKINNON said, he wished to understand the right hon. Gentleman the Secretary of State for the Home Department aright, and to know what he was to expect if he withdrew his Motion. He understood the right hon. Gentleman to ask him to wait until he could procure the information he had stated, and that then the Government would grant him a Committee if he (Mr. Mackinnon) thought it necessary. There would be no great probability of the House passing a Bill unless the matter were first referred to a Select Committee.

Sir GEORGE GREY said, he had not made any promise that a Committee would be granted. The object of this Motion was to ascertain the state of the law of France, and the operation of that law. He doubted whether a Commitee would afford the best means of obtaining information, which must all come from France. When the hon. Member obtained the information he desired he would be competent to move for the appointment of a Committee if he thought it necessary, but he (Sir G. Grey) could not at present pledge himself to support the appointment of a Select Committee.

Motion, by leave, *withdrawn.*

BURIAL GROUNDS.

Mr. APSLEY PELLATT said, he rose to move for a Select Committee, to inquire into the operation of the Acts regulating interments in parochial burial-grounds and proprietary and other cemeteries. The operation of recent legislation on this subject, in the metropolis, had been to compel the poorer classes to pay advanced burial fees, so that they were obliged to go to parochial boards for assistance.

Notice taken that forty Members were not present; House counted; and forty Members not being present,

The House adjourned at seven o'clock.

HOUSE OF COMMONS,

Wednesday, March 7, 1855.

Minutes.] New Member Sworn for Stroud, Edward Horsman, esq.
3° Exchequer Bills (£17,183,000).

PUBLIC LIBRARIES AND MUSEUMS BILL.

Order for Committee read;
House in Committee.
Clauses 1, 2, and 3 *agreed to.*

Clause 4—

Mr. BUCK said, that taxation was already very oppressive, and this Bill would impose a monstrous burden not only on the towns, but the landed interest connected with the towns. He would move therefore that, instead of reducing the limit of the population from 10,000 to 5,000 as proposed by the Bill, the limit should remain at 10,000, as at present.

Mr. EWART said, that this was only a permissive Bill, and he knew many places containing not more than 5,000 inhabitants where this Bill would be regarded as a great boon. He saw no reason to deny to small agricultural towns the privileges of enlightenment which the House of Commons had already given to larger places.

Mr. HENLEY said, he observed that there were several inequalities in the Bill, but if the taxation could be made uniform, he should not object to the application of the Bill to parishes with populations amounting to 10,000. There were three classes of persons on whom the Bill would operate—those in parishes, those in places under the Towns Improvement Act, and those in municipal boroughs. Now those persons who held land under the Towns Improvement Act were rated in different proportion from those who held houses, and the Bill would in that respect operate unequally. The occupiers of land would have to pay a different amount of rate from that paid by the occupiers of houses, whilst the latter would enjoy greater advantages than the former in consequence of their facility of access to the libraries.

Mr. MICHELL said, he could not agree with the hon. Member for North Devonshire (Mr. Buck), that this Bill would be a hardship upon small agricultural towns, for he considered that they were the places which most wanted public libraries. There were towns in Cornwall, the inhabitants of which had requested him to move that the limit of population should be 4,000 instead of 5,000, so that they might establish libraries under this Bill. He thought it would be much better to place no restriction upon the amount of population of places which might wish to avail themselves of this Bill.

Mr. SPOONER said, that in Birmingham the people had not acted upon the powers which they already possessed. The Bill would be a hardship to those persons living within the boundaries of boroughs who lived at a distance too great to avail themselves of the public libraries, but who, from having a large garden, would be rated more heavily than the occupier of a House in the town, who might enjoy the privileges of the libraries every hour in the day. The Bill might be said to be permissive, but it would give a certain portion of the inhabitants the power to compel others to pay these rates against their will, and with little or no advantage to them.

MR. BROTHERTON said, he could state that these libraries in Salford and the surrounding boroughs were most popular. The working people were the most earnest in encouraging them, and regarded them as a boon. They were not so much libraries for the rich as the poor, and those who were the most taxed for the support of these public institutions were most favourable to them.

LORD STANLEY said, he thought the mplaint not unreasonable that parties might in certain boroughs live at such a distance from these libraries as to derive little or no advantage from them. But in the free libraries of large Towns the power was given, not only of enabling persons to use the books in the library, but also to take them out and read them at their own homes. It was quite within the competence of those who managed these libraries to adopt such a regulation.

MR. CARDWELL said, it was desirable that the Committee should not lose the opportunity of extending the benefits of education by every means in its power. The objections to the present Bill did not proceed from those who had availed themselves of the opportunities afforded by the previous measure. In the town of Oxford a public library had been established for nine months with the best results, having been attended by 90,000 persons, without a single complaint of impropriety or indecorum. Upwards of 3,000 volumes had been presented to the library. A greater moral benefit to the community, or one more popular to those who paid the taxes, it was impossible to conceive. By this Bill the town council or other bodies could assemble, and if two-thirds of the rate-payers did not approve the Bill it would not be called into operation. If they approved the Bill the community would, by levying a moderate rate, not exceeding a penny in the pound, provide the means of educating themselves, of assembling every evening for innocent recreation, and of availing themselves of those educational advantages which the liberality of the more wealthy members of society might place at their disposal. The whole country was greatly indebted to the hon. Gentleman the Member for Dumfries (Mr. Ewart) for the pains he had taken with this subject, and he should not be doing his duty if he neglected to state the result of experience in the community which he had the honour to represent. With regard to the suggestion of the right hon. Member for the county of Oxford (Mr. Henley) it was of great importance in levying new rates that the incidence of those rates and the mode of levying them should be considered; and if the hon. Member for Dumfries would communicate with those who were anxious to suggest any practical amendment, he should be happy to join with him in making the Bill more efficient.

MR. SPOONER said, he did not doubt that the measure succeeded very well in large towns, where the number of distant occupiers was small, but he protested against the Bill in its present shape, as it would be the means of taxing persons living at a considerable distance for objects in which they could have no interest, and from which they could receive no benefit.

SIR SAMUEL BIGNOLD said, that in the city of Norwich, where there was a considerable agricultural population, that class concurred with the inhabitants generally in a desire to have a free library established.

MR. BAINES said, he was glad to hear the testimony of the hon. Member of Norwich in favour of the importance of institutions of this kind, and it entirely confirmed all that he had heard in the north of England with regard to the results of such institutions. He believed that, in every case, they had been found most beneficial, and his constituents were extremely anxious for the extension of the principle. Whilst from his official position he was naturally jealous of any unjust charge being thrown upon the poor rates, he was anxious to promote any measure which had a direct tendency to diminish the burden of pauperism, and he knew no means more calculated to effect that object than the provision, in large towns, of the means of giving useful knowledge and rational recreation to the working classes. The experience of the working of these institutions in Manchester, Salford, and other large places, was most satisfactory. He was glad to find that the Bill was permissive, for he could not have supported a compulsory measure for the rating of the inhabitants of different districts. He objected to one of the Amendments proposed by the hon. Member for Dumfries, who wished to strike out the provision which required notices to be affixed in certain public places, and to substitute the insertion of a notice in one or more newspapers circulated in the district. In his opinion, it would be much better to publish the notices in both ways.

Mr. HENLEY said, he had no doubt that public libraries had been productive of unmixed good. There were libraries of some description in almost every parish. But whilst endeavouring to carry out the advantages of such a system, care ought to be taken that the occupier of 150 acres of land, on which there was only one house, should not be rated at something like 400*l.* or 500*l.*, whilst the occupier of a house in the town was not rated at more than 15*l.* or 20*l.* He would suggest that the question of rating should stand over till the Report was brought up.

Mr. LOWE said, he did not know what might be the case with regard to Birmingham, but he could give some evidence of a neighbouring borough, which he thought would be satisfactory to the hon. Member for North Warwickshire (Mr. Spooner). The town of Kidderminster, which he had the honour to represent, comprehended a considerable agricultural district within the limits of the borough. The population were in the deepest distress—such distress as was unknown before to any person now living. Just at the time it was proposed to levy a half-penny rate for the establishment of a free library, cards were issued, calling upon the people not to throw away their money, or to tax themselves at a moment when so many of the inhabitants were without work. He was happy to say that in the depth of their misery the proposition was carried by an enormous majority. Only about twenty persons voted against it, and those persons (he said it with every respect) were persons whose calling in life pointed to the supposition that they thought there was a better way of spending an evening than in reading rooms and libraries.

Mr. WARNER said, he must beg to express his approval of the Bill. He observed that as every system of popular education which had been introduced into Parliament failed, they should not, when they found 5,000 people willing to educate themselves, prohibit them from doing so.

Mr. BAINES said that, in reference to what had fallen from the noble Lord the Member for King's Lynn (Lord Stanley), he thought the 22nd clause of the Bill gave to the persons managing these libraries power to lend books if they pleased. If not, a clause might easily be framed to meet the difficulty.

Sir ERSKINE PERRY said, that, as for the out-voters of a township or borough not having the same use of the library, as those who lived in the town, it was the fact that most of the public libraries so established were lending libraries, from which they could obtain books and take them home; and he suggested that a provision for making these lending libraries should be embodied in the Bill. The public libraries on the Continent were, he believed, without exception, lending libraries. In London, the British Museum and the London Institution, and many other boasted libraries, were nearly useless to the scholar, because he had to go three or four miles to read the books.

Mr. EWART said, that if any clause could be framed to meet the difficulty suggested by the right hon. Member for Oxfordshire (Mr. Henley), and draw a more distinct line for taxation, he should be happy to adopt it. It was impossible, however, to provide in legislation for every exceptional case, and there could be no good without some mixture of inconvenience.

Mr. HENLEY said, he would suggest that there were clauses in some of the Town Improvement Acts and the old Watching and Lighting Acts, from which example might be taken in making a distinction between land and houses, and there would be no difficulty in drawing up such a clause. As for the principle of this measure, he was favourable to it.

Mr. WATSON said, he thought there might easily be a clause distinguishing the rural part of these districts from the town part; for he quite agreed that it would be unfair to tax them equally. He could bear testimony to the popularity of these institutions in the north of England, and would appeal also to the gentlemen connected with the agricultural districts to give their poor hardworking people the same opportunities of mental recreation in the evenings.

Mr. WHITESIDE said, that as he believed this Bill would apply to Ireland, he should not object to it, subject to the limitations which had been suggested.

Mr. EWART said, he apprehended there would be no difficulty in establishing lending libraries under this Bill; but, if more enlarged terms were proposed with that view, he should have no objection to their insertion. He was quite ready to adopt the suggestion of the right hon. President of the Poor Law Board, and require notice of meeting to be advertised in the local papers, as well as affixed to the church and chapel doors. The only question therefore before the Committee was, whether the number should be 5,000 or 10,000.

MR. PERCY said, he considered that towns of less population than 5,000 should have the benefit of the measure.

MR. MICHELL said, he hoped the hon. Member for Dumfries would consider the claims of smaller towns. If this measure would be beneficial to 10,000 people, he did not see why 4,000 should not have the benefit of it. It would be very acceptable to Bodmin and Launceston, which had corporate funds larger than they required for corporate purposes.

MR. EWART said, that on a former occasion, he did himself propose to extend this measure to towns of 4,000 inhabitants, but he found that it occasioned some difficulties, and he was obliged to alter it. Having adopted the limit of 5,000 as a sort of compromise, he should not be justified now in altering it.

MR. BROTHERTON said, Clause 15 provided that two neighbouring townships, of less than 5,000 inhabitants each, might unite, if they pleased, for the purposes of this Bill.

MR. BUCK said, he would withdraw his Amendment.

MR. BAINES said, he wished to take every practical means of informing the public when these meetings were called. There might be some persons who did not go to churches or chapels, and others who were not in the habit of reading newspapers. As the clause was drawn, notice was to be affixed to the doors of the churches and chapels; and he would move the addition of the words "and also by advertising the same in one or more of the newspapers published or circulated in the borough seven days at least before the day of meeting."

MR. CHILD said, he did not think seven days' notice sufficient, and would beg to propose ten days.

MR. BAINES said, he would adopt the suggestion.

Clause *agreed to*, as were also Clauses 5, 6 and 7.

Clause 8—

MR. BAINES said, that the churchwardens were empowered to call these meetings, and if they were merely dealing with parishes it would be all very well; but the Bill also applied to townships, where there were no churchwardens, and, as the matter was not at all of an ecclesiastical character, he thought it would be a great deal better that the overseers of the poor should be the persons to convene these meetings.

VISCOUNT EBRINGTON said, that in some districts in Ireland there were no overseers of the poor, although it was proposed that the Bill should be extended to that country.

MR. BAINES said, he would undertake to introduce, on a future occasion, an interpretation clause which would meet any such exceptional case as that to which the noble Lord had referred.

MR. SEYMOUR FITZGERALD said, he wished to know whether more than one vote was to be given to the larger class of ratepayers?

MR. EWART said, he intended that each ratepayer should have only one vote.

Clause, as amended, to stand part of the Bill.

Clauses 9 to 13 *agreed to*.

Clause 14 *struck out*.

Clauses 15 to 18 *agreed to*.

Clause 19—

MR. HADFIELD said, he begged to move the omission from the clause of the words "with the approval of Her Majesty's Treasury." He did not wish to give to the Treasury the proposed right of interference in that matter.

MR. EWART said, that the words in question had been copied from a similar provision in the Model Lodging-Houses Act, and in other measures. He was no friend to centralisation, but he did not wish to depart in that instance from the beaten path.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 64; Noes 25: Majority 39.

VISCOUNT EBRINGTON said, he had voted in favour of requiring the sanction of the Treasury with regard to the purchase of land by the council and commissioners, because it did not seem to him right that the representatives of the present parishioners should alone have the power of imposing a permanent charge upon future parishioners; but in the case of the payment of rent from year to year, he did not see the necessity of any interference on the part of the Treasury, and thought the matter might be left to the inhabitants themselves.

Mr. WILSON said, he apprehended the Committee was unaware of the importance of a clause of this kind. Supposing the town council to pass a vote for the purchase of land or for the payment of rent, and the law required the assent of the Treasury to give validity to that vote, the course taken would be for the Treasury, on any objection being taken to the vote, to return it to the town council for reconsideration. It might happen that in the meanwhile a new town council would have to be elected; this would afford an opportunity to the whole of the ratepayers at the election to express their opinion upon the subject. He thought this observation applied with as much force to the case of rent as to that of purchase.

Lord STANLEY said, that to the greater part of this clause he had no objection, but there was one part in it which required explanation. The clause enacted that the council and commissioners might, with the approval of the Treasury, appropriate any lands purchased for the purposes of the Act, "for the general benefit of the parish." Those words gave very large powers, and he should like to know to what extent those powers were intended to go.

Mr. EWART said, he must admit that the words did give very extensive powers, and that only showed the importance of requiring the approval of the Treasury in those cases.

Mr. WHITESIDE said, it also showed the impossibility of proceeding with a Bill of this kind without the aid of the Law Officers of the Crown.

Mr. NAPIER said, the bill as it now stood would apply to Ireland as well as England, and yet there was no one to superintend its passing through the House on the part of Ireland. Such a measure as this ought not to be introduced, except on the responsibility of the Crown. No doubt, the right hon. Gentleman (Mr. Baines) was endeavouring to make the best of the Bill, but in the end he (Mr. Napier) could plainly see that, at least as far as regarded Ireland, they would not be able to work it, and that the Bill would go out of the Committee a worse measure than when it was brought into it.

Mr. BAINES said, he assuredly could not agree in the last observation of the right hon. and learned Gentleman. He had no doubt that with regard to England it would come out of the Committee a very good Bill. Although he was in no way responsible for the measure, still he was desirous of contributing his efforts to make it a good one. But should it ultimately be found inapplicable to the case of Ireland, then the proper course would be to move that the Bill should only apply to England, and it would then be for the right hon. and learned Gentleman to bring in some other measure for Ireland.

Mr. EWART said, that his idea always had been that there ought to be separate Bills for England and Ireland, and he had only been induced to extend the Bill to Ireland at the suggestion of some hon. gentlemen, who wished to see a law of the kind in operation in that country.

Sir WILLIAM SOMERVILLE said, that the Bill might be made applicable to Ireland so far as concerned the town councils, but when they came to deal with parishes, then the Bill must fail, because in Ireland the parochial system was not the same as in England. The parishes in Ireland were not the area of taxation. The Bill proposed to employ overseers, vestries, and churchwardens; but no gentleman who knew anything about Ireland would say that by such machinery the Bill would work well in that country. He would therefore strongly recommend his hon. Friend to confine the Bill solely to England.

Mr. EWART said, he had no objection to confine the measure to England.

Lord STANLEY said, he objected to the power given by this clause to divert certain land from the purposes of charity to which it was applicable at present. He wanted to know under what restrictions it was intended to make that diversion.

Mr. EWART said, it should be made subject to the approval of the Lords of the Treasury.

Sir BENJAMIN HALL said, he thought the best plan would be to adopt the suggestion of the noble Lord opposite and strike out so much of the clause as related to the appropriation of parochial lands. Perhaps the noble Lord would allow the clause to pass, on the understanding that the words should be struck out on bringing up the Report.

Lord STANLEY said, he would agree to that course.

Mr. SEYMOUR FITZGERALD said, he wished to suggest that, as they were going to create public bodies in connection with these libraries, such bodies should not be liable for any debts except those incurred under the Act.

MR. EWART said, he would consent to insert such a limitation, which, might be done by altering the 23rd clause.

Clause *agreed to*; as were also Clauses 20 and 21.

Clause 22—

MR. EWART said, he wished to move to insert in the clause the word "newspaper" after "books."

MR. SPOONER said, he objected to the insertion of the proposed word. It was monstrous that poor people residing out of towns should be taxed to enable the townspeople to enjoy the luxury of reading newspapers. More than that, he doubted whether their introduction would be beneficial to the libraries themselves, as it might have a tendency to convert them into mere newspaper reading-rooms and sedition shops.

MR. HEYWOOD said, he did not see any objection to a reasonable supply of good newspapers. Whether the word were inserted or not, he believed the libraries would be sure to have newspapers, as many people would take an opportunity of sending them when they contained any matter supporting their particular views.

MR. SPOONER said, he would beg to ask Mr. Speaker whether the introduction of the word was consistent with the title of the Bill.

MR. SPEAKER said, he considered that it was.

MR. SPOONER: Then I shall divide the Committee on it.

MR. T. PARKER hoped the hon. Member for Dumfries (Mr. Ewart) would persist in his Motion.

MR. EWART said, he thought that newspapers were the natural index of the public mind, and containing, as they did, information upon every topic concerning the country, they were sought after with great avidity. It would be impossible to exclude them altogether, and, if it were not, he doubted the policy of such a proceeding; for he believed that persons who read them were very often induced to seek for further information on particular subjects in books; he, therefore, thought it highly important to introduce a good class of newspapears into libraries.

SIR JOHN SHELLEY said, he believed that nothing would be more likely to induce persons to go to the libraries than the introduction of first-class newspapers. He was surprised at the boldness of the assertion of the hon. Member for North Warwickshire that places where papers were taken in were sedition shops.

MR. SPOONER said, he must deny that he said they were sedition shops. He said it would have a tendency to render the libraries liable to be converted into sedition shops. He did not intend his observation to apply to the respectable portion of the newspaper press, but in almost all large provincial towns there existed a class of papers which ought to be prosecuted by the Attorney General. As he said before, he was sure it would end in giving the townspeople the luxury of newspapers at the expense of the labouring classes residing in the country.

MR. WILKINSON said, the question of the admission of the particular newspapers might very well be left to the managers of the libraries.

LORD STANLEY said, he was at first inclined to concur in the objection of his hon. Friend the Member for North Warwickshire, though not on the same ground. He thought the introduction of newspapers might raise a question analogous to church rates, and there would be great risk of introducing party feeling; but what overruled that objection was the fact that newspapers were sure to be sent to these libraries by persons who had an object to serve or opinions to advocate, and, whether the word were inserted or not, the management would have to exercise their discretion in the choice of newspapers.

MR. SEYMOUR FITZGERALD said, he thought the principal objection was that the greater proportion of the liability would fall on large outlying agricultural districts, whose inhabitants would be unable to avail themselves of the facilities given by the libraries for obtaining information. As to newspapers, in his opinion it would be most unfair that newspaper-rooms should be established at the expense of the agricultural districts. They could not be sent round like books, and if they could the result would be, that persons in the country would have the *Times* lent them when it was about a fortnight old. If the whole district was to be taxed, the money ought to be applied to those purposes only which would benefit the district as well as the town.

MR. EWART said, he did not see why newspapers could not be read by persons living in the districts as well as in the towns; neither, in his opinion, would the introduction of newspapers into libraries necessarily convert them into mere newsrooms.

Mr. WHITESIDE said, that the hon. member for Dumfries had always asserted that the main object of the Bill was not the establishment of newspaper reading-rooms, and, although he (Mr. Whiteside) agreed in the opinion that some of the best things a man could read were to be found in the newspapers, he would remind the Committee that some of the very worst things, the most poisonous matter for contaminating the mind, had been disseminated through the same channel. The first-class newspapers of the metropolis undoubtedly contained a vast mass of the most useful information, but the Government were about to introduce a measure which might lead to the establishment of newspapers of quite a different stamp and quality, and he thought he was justified in expressing a doubt whether the real mental food would not be that furnished by the newspapers, to the exclusion of good food in well-selected books. He should vote against the Motion.

The ATTORNEY GENERAL said, he did not consider the insertion of the word "newspaper" at all objectionable. The Bill sought to accomplish two great objects —first, to lead the labouring portion of the population from animal to intellectual pursuits, and, in the second place, to give them as much information as possible. However attractive general knowledge might be, nothing was so attractive as political knowledge, and if they shut out newspapers from libraries, they would deprive them of one of the principal attractions to be found in publichouses. Why should they deprive the labouring classes of the opportunity of acquiring political knowledge? It had been said that newspapers of an improper character might be admitted. That did not necessarily follow surely, for they might well trust the selection to the good sense of those who had the management of the libraries, and they ought not, because they anticipated a possible evil, to exclude a real good.

Mr. BARROW said, he was of opinion that no answer had been given to the objections which had been raised. Political knowledge was contained in essays and magazines as well as in newspapers, and he was apprehensive their introduction into the proposed libraries would be a fruitful source of political dissension and disunion.

Mr. Ewart

Question put, "That the word 'newspapers' be there inserted."

The Committee *divided*:—Ayes, 64; Noes, 22; Majority, 42.

Word *inserted*.

Sir ERSKINE PERRY said, he wished to propose as an Amendment: "That all the Libraries to be established under this Act shall be Lending Libraries." He was strongly of opinion that the usefulness of the libraries would be greatly curtailed if they did not possess this quality.

Mr. SPOONER said, he thought the only way of remedying the injustice proposed to be committed by the Bill, by taxing persons who could not avail themselves of the benefits of the libraries, would be by making all the institutions lending libraries.

Lord STANLEY said, he considered that it would be much better to leave the matter to the discretion of the managers; great inconvenience would result from lending out works of reference, and it would be exceedingly difficult to define by Act of Parliament what were works of reference, if it were thought desirable to except such works from the operation of the Act.

Sir BENJAMIN HALL said, he thought the best proof that the proposed libraries would be lending libraries was to be found in the fact that the words in the clause were precisely the same as in the existing Act, the libraries established under which had all become lending libraries.

Mr. NAPIER said, that in most libraries there was a class of books which it would be most inconvenient to lend out.

Question put, "That those words be there added."

The Committee *divided*:—Ayes, 32; Noes, 49; Majority, 17.

Clause *agreed to*.

Clause 23—

Mr. SEYMOUR FITZGERALD said, he wished to add the following words to the Clause:—"Provided always that no property so vested be liable for the repayment of any debt or encumbrance not incurred solely in the execution of the purposes of this Act."

The SOLICITOR GENERAL said, he objected to the addition of the proposed words, which, he thought, would rather tend to defeat the object of the hon. Member. As the Bill now stood, the property vested would not be liable to be taken on account of any charge for which the general borough fund was liable.

Clause *agreed to*, as was also Clause 24.

Clause, "that the provisions of this Bill shall not extend to Ireland or Scotland," was brought up and *agreed to.*

MR. EWART moved the addition of the following Clause:—"No person shall be assessed or rated to any county, borough, parochial, or other local rates or cesses in respect of any land, houses, or buildings, or parts thereof respectively, belonging to any library or museum established under this Act, and occupied by it for the transaction of its business, and for carrying into effect its purposes."

MR. BAINES said, he thought it was an extremely objectionable practice to introduce exemptions of this kind. The proposed clause might also operate very unjustly. Taking as an instance the city of York, which contained twenty-four parishes, some of them of extremely small extent. If land for a library were taken in one of those small parishes, it would increase the burden cast upon the remaining landowners of that parish, while the benefit of the institution would be common to the whole twenty-four parishes.

MR. EWART said, he would not press his Motion.

MR. HENLEY said, he hoped the hon. Member for Dumfries would, on the Report being brought up, have no objection to a clause limiting the period wherein an unsuccessful application for the establishment of a library under this Act might be renewed, in order to prevent the continual agitation and perpetual bickerings upon this question.

MR. EWART said, if a clause were proposed providing that no new application should be made within a period of twelve months from a previous application, he should not object to it.

The House resumed.

JUDGMENTS EXECUTION, &c. BILL.

Order for Second Reading, read,

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. MACARTNEY said, he could not let the Bill be read a second time, without expressing his disapproval of hasty legislation of this kind by individuals. He thought that a measure of this kind should be introduced by the Government, and he would therefore move that the Bill should be read a second time that day six months.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

THE SOLICITOR GENERAL said, he considered that the Bill involved very important Amendments of the law, and it would be impossible in acceding to the second reading to do more than agree to the general principle of it. It was desirable that judgments obtained in one country of the United Kingdom should be enforced in another, and carried into effect in a prompt manner; but if the House, therefore, assented to the second reading of the Bill, they should assent only to it on the understanding that the Bill should be referred to a Select Committee for examination. He approved of the general objects of the measure, and on the terms he had stated he was inclined to concur in the proposition for the second reading.

MR. NAPIER said, the hon. and learned Gentleman did not seem to be aware that a Bill similar to the present had been referred to a Select Committee last Session, and he had sat upon it, and now it was proposed to go through the same farce again—for farce it must be called—thus to have a Bill brought in Session after Session, to have the principle admitted, the details objected to, and the measure referred again and again to a Select Committee, without any result, the Government all the while attempting thus to usurp the character of law reformers, by approving of the principle of measures for the improvement of the law, the only objection being that they could not be or were not carried out. He did not believe that the principle of the present Bill could be carried out. It was proposed to make a judgment in England operate as a judgment in Ireland or Scotland, so that execution might be sued out upon it at once in all those countries. This was anomalous, and might prove most mischievous, unless means were taken to prevent it, which did not appear to be provided in the present Bill. The cases of practical inconvenience under the present law were rare, and hardly warranted so sweeping a change in the law. The Bill was in several respects repugnant to the late Irish Common Law Procedure Act, and these repeated changes in the law left it in a state of uncertainty, and consequently produced much discontent and dissatisfaction. It should be recollected also, that the law of judgments in Ireland was of peculiar importance with respect to their effect as charges on land, and the present Bill would introduce great confusion into the law on the subject. A Commission had lately been appointed to consolidate the Statute Law, which it had been proposed to extend to Ireland; and when he had been asked to become one of the Commissioners, he had said, what he now ventured to repeat, that it would be idle to attempt to consolidate the existing Statute Law and to continue to add to its confusion by passing new laws—increasing the anomalies which were already complained of. It was equally idle to allow private Members to introduce measures of such importance, which it was found impossible to pass; referring them to Select Committees, who discovered that they were impracticable, and then going through a repetition of the same proceedings in a subsequent Session. Bills on such important subjects should be prepared in a proper office, for the purpose of securing uniformity and consistency in our legislation, and ought, if approved of by the Government in principle, to be adopted by them and introduced and carried upon their responsibility. It was all very well to say that they approved of the principle, but not of the details. The whole value of such measures as the present lay in the details. The test of the principle was whether it was practicable, and could be carried out. And if the Government approved of the principle, and they deemed it practicable, they ought to undertake to carry it out. It was not very creditable to our legislation, and did not tend to elevate the character of that House, to go on in this way—approving of the principle of Bills, and never carrying them out. It tended to get the House a character for talking instead of doing; and looked like prating of law reform for the sake of trying to throw dust in the eyes of the people. As the Government did not appear disposed to adopt the Bill and carry it out, and as a Bill of a precisely similar character had been already referred to a Select Committee and found impracticable, he should oppose the repetition of the farce played last Session on the subject, and should, therefore, resist the second reading.

The SOLICITOR GENERAL said, as the Bill had been submitted to a Select Committee last Session and not adopted, he thought it best not to agree to the second reading.

Mr. Napier

The ATTORNEY GENERAL said, he felt the force of the objections that had been urged by the right hon. and learned Gentleman the Member for the University of Dublin, but when a Bill was proposed to be introduced by a private Member, the principle of which was admitted to be good, it was difficult to resist its introduction. If the Government did object to it, it would be said that, although they professed to be law reformers, they resisted a measure for the reform of the law. That they should enforce judgments in Ireland that were obtained in England no person could doubt, and that was the principle involved in the Bill before the House, but there were serious difficulties with regard to the details. The measure had already been before a Select Committee, and if sufficient labour had been bestowed on it he considered that many of the objections might have been removed; but as it had been submitted last year to a Select Committee, and, as the right hon. and learned Gentleman the Member for the University of Dublin had said, they could not make anything more out of it, it would be useless to send it again to a Select Committee.

MR. WHITESIDE said, if the Government recognised the principle of the measure, it was their duty to introduce a measure that would be practicable. Great evils arose from crude legislation, even with the best intentions. The Incumbered Estates Court of Ireland Act had been passed, no doubt, with the best possible intentions; but the Court was worse than the Court of Chancery it had been intended to supersede. On the other hand, it was most bitterly to be complained of that a Government should allow useful and valuable measures—such, for instance, as the Landlord and Tenant Bill and Leasing Powers Bill of a previous Session—to drop, merely for want of any attention to them. It did not appear to him that the present Bill belonged to the former but to the latter class. There was no practical inconvenience in the law upon the subject; a judgment even in an inferior or foreign court was by the law of England and Ireland *primâ facie* proof of a debt, and unless it was shown to have been irregularly obtained was conclusive as to the merits. Where, then, was the difficulty to be met? And if there was any, why did not the Government meet it?

MR. FRENCH said, he must complain

that the Irish Members had to sit there till one o'clock every morning to prevent the hon. and learned Member for Ayr from running his Bill through Parliament in their absence.

COLONEL DUNNE said, that he had been requested by a great number of persons, his constituents and others, in Ireland, to oppose such a measure as the present, as likely to introduce great confusion into the law, and to prove very injurious to trade. When the Bill was brought in last Session the Lord Advocate of Scotland had vehemently objected to it on principle; and yet now the Attorney and Solicitor Generals for England approved of its principle.

MR. DUNLOP said, it was his conviction that the present state of the law should not be allowed to continue. The principle of a Bill which would enable a party, who had obtained a decree either in England, or Scotland, or Ireland, to enforce judgment out of the particular country where the decree was obtained, was of such practical value that all parties should endeavour to arrange the machinery by which effect would be given to such a valuable measure. He trusted the Government would allow the Bill to be read a second time.

MR. BAILLIE said, it might be that such a measure would be practicable with reference to England and Ireland, but it could hardly be so as to England or Ireland and Scotland, for the law of England and Ireland was substantially the same, whereas the law of England was essentially different from that of Scotland, and the carrying out of such a measure would really require an assimilation of the laws of the two countries.

MR. I. BUTT said, the hon. Gentleman opposite (Mr. Dunlop) was mistaken in supposing that a judgment obtained in England could not be enforced in Ireland, or *vice versâ*, without recommencing the original action. That was not so, for as his hon. and learned Friend (Mr. Whiteside) had shown, there might be an action on the judgment, which would be *primâ facie* conclusive, and in which the merits of the original suit could not be again inquired into; assuming that the judgment had been properly (that is regularly) obtained. He thought it might be possible to obtain the object of the Bill by establishing some Imperial Court analogous to the ancient *Aula Regis*, whose judgment should be of force anywhere in the Empire, but in no other way. There did not appear to be any real inconvenience in the present state of this law. At all events, if there were, a measure of such vital importance ought to be undertaken by the Government, more especially as upon this subject an impression existed in Ireland that there was in contemplation a plan for destroying her independent courts, and consolidating them with the English courts, and that this was the first step in the execution of that project. To show the practical evil of any such system, let him remind the House that by the law of England and of Ireland, if a trial would be inconvenient in one county, by reason of the witnesses being at a distance, the venue could be changed into another county; but under the system towards the establishment of which this Bill tended, a trial in an Irish cause might take place in England, to the great injury of the suitors. Any measure tending towards such a result was to be deprecated; and when he recollected that the late Lord Plunket, who had once entertained an idea of such a measure as the present, abandoned it from a conviction of its perilous and impracticable character, the hon. and learned Gentleman (Mr. Craufurd) would excuse him if he recommended him not to attempt what Lord Plunket had failed to achieve.

MR. CRAUFURD, in reply, said, he was prepared to stand by the Bill in the shape in which it stood, subject to such emendations as might be made upon it by the better judgment of the House. He trusted that the course of proposing to shelve the Bill by referring it to a Select Committee would not be pursued, and that the House would consent to the second reading.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 18; Noes 89: Majority 71.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for six months.

THE CAVALRY IN THE EAST.

MR. BOUVERIE having brought up the Report on the Committee of Supply, on the question that it be received,

MR. PALK said, he rose to call the attention of the Government to the state of the cavalry in the East, and also to the nature of the reinforcements about to be sent there. In his opinion, no calamity had ever befallen the British army more serious than that which was experienced in the loss of the light cavalry at Balaklava. No doubt, an opportunity would be given to the public of forming an opinion as to the cause of that calamity; whether it arose from misconception of an order, or from inability, or from the order which was given being of such a nature that it was impossible to understand it, would, no doubt, be brought to light; but in the meantime he could not but lament that a force originally too small to be of any great assistance to the army to which it was attached had been, from various causes, reduced practically to almost a perfect nonentity. He found from a statement which he had in his possession that one cavalry regiment on the heights of Sebastopol, to complete its effective force, required no less than 283 privates and 403 horses, and he wished to urge upon the Government the inefficient nature of the reinforcements to be sent out. Those reinforcements consisted of young men who had not completed the usual drill which was considered necessary to enable them to perform their regimental duties, far less to engage the enemy in a foreign country. The horses required by the regiment to which he had referred were, he understood, to be sent out under the care of recruits; but in a long voyage like that which they would have to make, the care of old, experienced soldiers was peculiarly requisite. This regiment wanted twenty sergeants and forty corporals, and consequently from this want of non-commissioned officers it appeared that it would become necessary to raise men to that position who had not perfected their drill, and who had no experience in those various duties which a non-commissioned officer was called upon to perform, and he could state, from having served in the cavalry himself, that those duties were of great importance. That course must either be adopted, or non-commissioned officers must be taken from other regiments, the effect of which would be to weaken the reserve, and to destroy all *esprit de corps.* These were subjects well worthy of the attention of the Government, and it ought at the same time to be considered how long it took to make a cavalry soldier. The best authorities were agreed, that to make a cavalry soldier required at least eighteen months, although in a few cases—such as those of men who were accustomed to horses—he might perhaps be thoroughly drilled in one year. In his opinion, the whole system of recruiting for the cavalry was most injurious. It was well known that there was nothing old and well-drilled soldiers disliked so much as the riding-school and constant drilling and riding lessons; but at present the old soldiers were occupied in breaking horses for those regiments on service, and well-broken horses were placed in the hands of raw recruits. He knew nothing more irritating to an old trooper than to know that the animal which he had broken in was placed in the hands of a young recruit, who knew nothing of the management of a horse, and who perhaps would soon ruin it. As to the state of the cavalry force at home, he ventured to say, from the pressure upon it, that it was less fitted to go into action now than it was twelve months ago. These things must sooner or later force themselves on the ear of the Government, and there was a power to which they must succumb again, as they had succumbed before—the national voice. When the Government at home neglected the common means of ensuring success, then he thought it was fairly reasonable to censure them for neglect, and bring their conduct under the consideration of the House of Commons.

Report *agreed to.*

EXCHEQUER BILLS (£17,183,000) BILL.

Order for Third Reading read.

SIR HENRY WILLOUGHBY said, he wished to know whether the House had any assurance that none of these Exchequer bills in the course of the year would be converted into funded debt. He mentioned this, because in 1853 a portion of the Exchequer bill debt was turned from unfunded into funded debt, to the extent of about 1,500,000*l.* He asked, therefore, for an assurance that that process would not be resorted to again without coming to Parliament for the requisite authority.

MR. WILSON said, that the Motion now before the House had reference to the Exchequer bills at present floating, and the customary Bill for renewing those bills was that to which the assent of the House was now required. As the law now stood, it was impossible, without an Act of Parliament, to convert unfunded into funded debt, and he had therefore no difficulty in giving the hon. Baronet the assurance he required.

SIR HENRY WILLOUGHBY said,

that the process he referred to might be carried on without an Act of Parliament through the medium of the savings bank stock.

Bill read 3°, and *passed.*

The House adjourned at Five o'clock.

HOUSE OF LORDS,

Thursday, March 8, 1855.

MINUTE.] PUBLIC BILL.—1ª Exchequer Bills (£17,183,000).

JUNIOR OFFICERS OF THE ARMY IN THE CRIMEA.

THE EARL OF ORKNEY rose to call the Attention of the House to the reported want of Aptitude for their Situations in the Junior Officers of Her Majesty's Service now on Duty in the Crimea. The noble Earl said that it was generally supposed that this country was at war with Russia; but every military person with whom he had the honour of conversing thought that the term was entirely misapplied, and that it should rather be stated that Russia was at war with this country. He conceived that to be at war with a country meant to carry on against it every species of destruction short of reverting to the practices of savages. The Government had not so carried on the war with Russia;—had they done so, it would not, as it had up to this moment, have been attended with such serious disasters. He had heard the memorable and prophetic warning of the late Duke of Wellington, who had said that this country should engage in no such thing as a little war. He (the Earl of Orkney) was afraid that this had not been sufficiently borne in mind, and that a little and diminutive war was being carried on, wholly inadequate to cope with the resources of so mighty a nation as Russia. He thought it most unwise to underrate an enemy, and he believed that it was the opinion of all military men, that Russia was a magnificent military nation, and that its troops were in a state of subordination little inferior to those of this country or of France. He wished to draw the attention of the House to another term that was in general use, and to be met with in every publication. All talked of an army; but all his military friends—of whom he had a great many—had come to the conclusion that this country had no army in the Crimea; that it never had one; and, until it had, he was afraid that the same disasters which had hitherto attended our troops would still continue. An army was composed of infantry, cavalry, artillery, waggon train, hospital staff, and various other branches; and he believed that three, if not four, of those elements were altogether wanting in what was called the English army. The nation had also been led to suppose that the present war could be carried on at an an annual expenditure of 3,000,000*l.* or 4,000,000*l.*; but if the Chancellor of the Exchequer had asked for 7,000,000*l.* or 8,000,000*l.*, and expended most of it previously to last September and October, the war, in his (the Earl of Orkney's) opinion would have assumed a very different aspect to what it presented at present. He was led to this conclusion by an event that had taken place during the war—he alluded to the Battle of Alma. There the troops had shown their gallantry, but nothing had resulted from it, for the Commander in Chief was so crippled by the want of an army that he could not follow up that victory. He was the last person to wish that the war should be unnecessarily prolonged, for all his sons were in the army, and many of his friends; seventeen or eighteen of them had been killed already, and many more wounded. He had been last night in the society of an officer who was with the Duke of Wellington at the siege of Badajoz. That great commander did not wait to go through the regular operations of a siege, but stormed the place before they could be carried out, and his reason was, that by making a sacrifice at that time, he should not be called upon to make a further sacrifice afterwards. He (the Earl of Orkney) believed that, in certain cases, sacrifices made at first proved humanity in the end. In addition to this delay before Sebastopol, certain places had been spared—Odessa, Anapa, and other towns had not been reduced, but were as flourishing as ever;—and this was another reason which induced him to say that the war had not been carried on efficiently. He believed that he was correct in stating that, in December, 1853, when it was found that the war could be no longer delayed, a meeting took place, which was attended by all the officers of the different departments; and, when the Commander in Chief was called upon to give an account of the number of troops he could furnish, he stated that his hands were so tied by want of material, that the requisite amount of troops could not be sent out. And that this was so was proved by the fact that the requisite number of troops had not been sent out. He thought also that the Government were to blame for not having sufficiently considered that the climate to which the troops were first sent was one of the most pestilential in the world, and every precaution ought to have been taken to guard the men against its effects. That this had not been done was seen in the fearful mortality that had taken place both among the officers and men. He now came to another subject, and that was the pay of the officers, which was miserably inadequate. There was no mercantile establishment in the City of London requiring confidential service, and the real work done by regimental officers in which those officers would not receive three or five times as much remuneration as they did in the army. They received, in fact, no pay, the British nation entirely forgot the services these officers rendered to their country, and the real state of the case was, that they served principally for honour and the society of the gentlemen with whom they associated. They had heard a great deal of the vast amount of talent required in Her Majesty's service; but he could show their Lordships that this was not to be attained in the present state of the service. He would merely instance the Sappers and Miners. All knew the scientific attainments required in that corps; but what took place at Chobham? Why, these men knew so little of actual service, that they staved off their wells with green wood. Surely, then, it was very hard to complain of the inaptitude of the subalterns of the British army, when the best men, from want of practical experience, did not know how to carry out these matters. He had been told by a friend who served in the campaigns in the Peninsula, that it was the practice for every soldier who was detached to perform a particular kind of duty, to carry away with him a small bit of wood from the camp, in order that next night, when he and his comrade were about to encamp, they might have some fuel to begin a fire with. It was by means such as this and the like expedients that troops were enabled to provide for their own comfort and well-being. The noble Earl then referred to certain defects in the arrangements of the camp, and in the state of the tents of the army in the East, which, he said, had produced great unhealthiness among the men, and caused a fearful mortality, one-half of which might, in his opinion, have been avoided. Alluding to the want of means of transport in the Crimea, he stated that our officers had had to wear the same clothing as they landed in until they were literally covered with vermin. These were some of the hardships to which English gentlemen were subjected, and to which they submitted without a grumble or a murmur; and yet they were now held forth to the public and the world as men who were wholly unfit for the duties assigned to them. While these officers cheerfully submitted to every sacrifice and denied themselves many a comfort for the good of their men, it was certainly very hard that such imputations should be cast upon them. He knew of officers, who, having been enabled to procure horses for themselves, allowed them to be employed, not for the benefit of their masters, but in slaving to draw necessaries for the use of the men belonging to their regiments. He was happy to say, that the officers of the British service looked first to the welfare of the men under them, and to their own interests afterwards. The discipline of our troops was as complete as it could well be; but if the men were to be told that their officers were unfit to command them, was that course calculated to maintain or to strengthen that discipline? During the political excitement which prevailed in 1833, attempts were made to seduce certain men of the Artillery corps from their duty by holding out to them offers of money and drink. One of the men having told the commanding officer of what was going on, that officer, being a judicious man, instead of making a noise about the matter, very coolly replied, "Oh, very well; take the money and whatever you can get, and make yourselves happy and comfortable." This had its proper effect upon the men, and these noble privates maintained their fidelity unshaken in spite of the temptations to which they were exposed. Those who were acquainted with the army knew that the most irksome and painful duty which the officers had to discharge was to inflict punishment upon their men, and the men themselves freely acknowledged that they were never punished by their officers excepting when they had richly deserved it. This, then, was the excellent feeling which now existed between the British soldier and his officer, and it was to be hoped that that feeling would long continue. The noble Earl was understood to conclude, by asking whether Her Majesty's Government had any objection to produce a return, showing the relative number of officers and men that had been admitted into the military and naval hospitals at Scutari and other places.

Lord PANMURE was not aware that the noble Earl had at all improved his address by asking for this return. That return might be difficult of preparation, and might not, therefore, be possibly produced for some time, but he could see no objection to laying such a return on the table. As regarded the object with which the noble Earl had addressed their Lordships' House, it appeared that from some quarter or another some slur had been thrown upon the character as well as upon the conduct of several officers of the British army engaged in the Crimea. He had not gathered from the noble Earl's speech the sources to which he referred for those attacks which had been made on subaltern officers, and he could only say that no report whatever had come home from Lord Raglan reflecting in any way on the conduct of those gentlemen; and he could not conceive what circumstances there could be which had given rise to the slightest suspicion in any man's mind that those officers had failed in any respect to discharge their duty to their Queen and to their country in the manner in which a British officer had ever been known to discharge that duty. He knew of no body of men who were more deserving of, and more entitled to, the thanks of their country than that body of officers to which the noble Earl had referred; and he had no hesitation, although he considered it to be most unnecessary, to bear his testimony, in his place in their Lordships' House, to the high character those officers had ever borne. He would not follow the noble Earl in his speech with reference to the origin, conduct, and issue of the British expedition. He did not think the discussion of the details of that subject either would advance the interests of the public service, or that it would be convenient for the operations of the army now making war in the East. He had never heard it doubted by anybody but the noble Earl that the junior officers in Her Majesty's service were qualified for the situations they held. He believed that the war would be prosecuted with as much vigour as could be shown in the prosecution of any war, and no endeavours would be spared to carry it to the conclusion which Her Majesty's Government had always had in view—namely, to the establishment of a satisfactory and honourable peace. Upon the present occasion he could only say again, that the charge which had been brought against the officers of the army of the East, to the effect that they had not shared in the hardships of the soldiers under their command, was totally unfounded; and if he were called upon to produce evidence in support of that assertion, he was sure he could not do better than refer to the lists of officers who fell sick, and who had been received into hospital. He should endeavour to procure for the noble Earl the return he had asked for, and he had no doubt that it would show that the officers had taken their full share of the dangers and hardships of the Crimean campaign.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, March 8, 1855.

Minutes.] New Member Sworn for Stirlingshire, Peter Blackburn, esq.

Public Bills.—2° Dean Forest, &c.

Reported—Purchasers' Protection against Judgments; 3° Tea Duties Decline Suspension; Mutiny; Secretaries and Under Secretaries of State (House of Commons).

LONDON AND SOUTH-WESTERN RAILWAY BILL.

Order for Second Reading read.

Mr. CHAPLIN, in moving the second reading of this Bill, said, that the opposition raised to the measure on a former occasion was based on the fact that a pledge formerly given by the shareholders, through the chairman of the company, had not been carried out. That pledge was, that the company would make the line between Yeovil and Exeter. An understanding was come to when the Bill was formerly under discussion, that he should take the opinion of the shareholders on the subject, and he had now to report the result of the meeting which had been held. A general meeting of the shareholders had accordingly been held, at which the directors and shareholders regretted, in the first place, that the pledge had been given; and, secondly, that it was out of their power to fulfil it. He would not attempt to justify what had taken place, but would endeavour to urge some circumstances in mitigation. When that pledge was given the company's stock stood at 90*l.*, but in November of the same year it fell to 74*l.*, and there has since been great fluctuations both in the price of stock and the dividends which the company was able to declare. The directors at the time would have signed a subscription deed to raise the money required, so confident did they feel in being able to redeem the pledge they gave; and they had since done all they could, but the shareholders had decided, by a great majority, that it was out of their power to construct the line in question. There was only one shareholder present who was favourable to the construction of the line in question, and the directors were unanimously of opinion that it would be in vain to endeavour to stimulate the proprietors to do more at present than was proposed by this Bill. The number of shareholders was about 4,000, giving 60,000 votes, and there was no certainty as to the result of any measure brought before the meetings of the company; and they were decidedly adverse to carrying out the original scheme, seeing that so great a change had taken place in the value of the shares. Not being able to do so in the present depressed state of railway property, he trusted the House would consent to the second reading of the Bill, the object of which was to regulate the share capital, to improve their internal regulations, and to carry out improvements at Salisbury and at the Nine Elms station for the accommodation of the public. He hoped the House would allow the Bill to go into Committee, particularly as the parties opposing had not expressed any wish to throw it out altogether.

Mr. HILDYARD said, that he had never heard a speech which had filled him with more astonishment than that which had just been delivered. What had the South-Western Company done? A large district which had been struggling for years to obtain the advantages of railway accommodation could have succeeded two years ago by means of the Great Western and the Bristol and Exeter Companies, but for the conduct of the South-Western Company, who pledged themselves to carry into effect a better project, and that pledge was afterwards sanctioned by the unanimous vote of the shareholders. About ten days afterwards a party agitation was got up to induce the company not to redeem that pledge, and that agitation was successful. The hon. Gentleman (Mr. Chaplin) had pleaded the poverty of the company. Now, poverty was a bad excuse for dishonesty; but the company was not entitled to plead that it was in a bad position, for at their last meeting the chairman congratulated the shareholders upon a dividend of 5 per cent, thus placing the company, as he then stated, amongst the first companies in the kingdom. That dividend was made out, in a great measure, by the traffic not having been subtracted by the line which they defeated. The company was therefore in a position to redeem the pledge which had been given. Now, what course did the hon. Gentleman take at the meeting to which he had alluded? Did he say, "You have solemnly pledged yourselves to construct the line, and it is our duty as honest men to do so." No such thing. On the contrary, when asked for his advice, the hon. Gentleman declined to give it, and the result was a determination on the part of the shareholders to leave the matter in the hands of the directors, who were now sustaining the proprietary in their breach of faith. The pledge which had been given was on the records of the House, and the course which he (Mr. Hildyard) recommended the House to take was, to send the Bill to the Committee before whom the pledge was given, and he trusted that Committee would insert a clause binding the company to complete the fifty miles between Yeovil and Exeter, within five years, or, failing to do so, stop their dividends. The fifty miles could be completed for 700,000*l.*, and supposing that amount to remain wholly unproductive, the only effect would be to reduce the dividend from 5 per cent to 4*l.* 11*s.* 6*d.*, or only 8*s.* 6*d.* per share. He was sorry to say that the introduction of a clause into an Act of Parliament, fining the South-Western Company while their pledge remained unfulfilled, was the only way, he apprehended, in which it was possible to bind them, and he had no doubt by that means this line of railway, which involved important national interests, would be obtained, while the House of Commons would, at the same time, show that they were determined these great companies should not come to Parliament with professions on their lips without the most distant thoughts of realising them.

Mr. LABOUCHERE said, he considered the arguments of the hon. Member for Salisbury (Mr. Chaplin) on behalf of the South Western Company amounted to this—that what they thought an advantageous bargain when the pledge was given they thought disadvantageous now. He would not enter into the question of what the loss would be. They ought to have considered that before they entered into an engagement with Parliament to construct the line. The House accepted that pledge; the company derived all the benefit they expected from it, and he held it to be a mockery and an insult to be told that, because their dividend would be lowered a half per cent, they were to be absolved from the promise they had given to the House. The speech of the hon. Member was like the speech of a Governor of one of the repudiating States of America, who, addressing the local Legislature, laid down in the strongest manner the importance of adhering to the principles of public honour, but went on to say that no one would think of applying those principles if the result was to be an increase of taxes. He approved the course suggested by the hon. and learned Member for Whitehaven, and he hoped a clause would be inserted in Committee compelling this company to redeem its pledge.

Mr. BANKES, after presenting a petition against the Bill, said that both the House and the public had been insultingly treated by the company. The line, respecting which the pledge had been given, had received the sanction of the First Lord of the Admiralty, the Commander in Chief, and all parties interested in the defence of the kingdom, and it was a matter of great regret that it had not been constructed.

Mr. HUTCHINGS said, he had not hesitated to tell the shareholders at the last meeting what he thought of their conduct. The directors asked the shareholders what course they should take. The only response was a resolution disrespectful to the House, and to prevent its being passed they agreed to have the question referred back to the board; but no one could doubt that if the board had recommended the shareholders to fulfil the pledge it would have been almost unanimously rejected.

Mr. DEEDES said, that it was his intention to move, that in referring the Bill to the Committee of Selection, that the Committee be instructed to refer it to the original Committee to whom the pledge was given, who would be able to deal with it in the fairest manner.

Bill read 2°.

THE ORDNANCE DEPARTMENT—EXPLANATION.

Mr. NEWDEGATE said, he wished to correct a mis-statement into which he found he had been misled on a former evening. He had said that the wrenches at present in use in the army for drawing balls from Minié rifles were ineffective, and that Mr. Westley Richards had some months ago made a statement to that effect to the authorities at the Ordnance Office, and had at the same time submitted to them a pattern for an effective wrench, but that advice and that pattern had been rejected. He had since found that that statement was not altogether correct, for Mr. Westley Richards had since called upon him, and had told him that he (Mr. Richards) had warned the Ordnance authorities upon the matter, not some months ago, but in the month of January; that after that warning Sir Thomas Hastings had communicated with the inspector of small arms at Birmingham, who had replied that the wrenches at present in use were perfectly effectual, and Mr. Westley Richards, not satisfied with that reply, had since laid before the Ordnance officers a pattern of what he believed was an effective wrench. Those were the correct facts of the case, and he (Mr. Newdegate) wished to state that he had before been misled as to the time when Mr. Westley Richards had first warned the officers of the Ordnance that the wrenches in use by the army were ineffective, and as to the fact of Mr. Westley Richards not having, until subsequently, tendered the pattern of an effective wrench. He (Mr. Newdegate) had been mistaken as to the time of these occurrences; he thanked the House for having permitted him to correct this statement, for he should regret to do an injustice by leaving this mis-statement of dates uncorrected.

Mr. MONSELL said, that after the statement of the hon. Gentleman it was not, he believed, necessary for him to enter into any explanation upon that subject. He would only recall the former allegation of the hon. Gentleman, that the Ordnance department had been made acquainted ten months ago with the fact that the wrenches used in the army were ineffective.

MR. NEWDEGATE denied that he had ever assigned the period of these occurrences as ten months ago.

PUBLIC SCHOOLS AND UNIVERSITIES.

MR. HEYWOOD said, he would now beg to move, in accordance with the notice he had given for a Select Committee, to inquire into the best means of affording to the nation a full and equal participation in all the advantages, which are not necessarily of an ecclesiastical or spiritual character, in the public schools and Universities of England and Ireland. Five years ago Royal Commissions were issued to inquire into the condition of the Universities; but it was made a special condition that they were not to go into the question of the admission of dissenters to those seats of learning. That question was, therefore, little attended to by the Commissioners, and when the Bill for the Reform of the University of Oxford was brought in last year, it contained no provision for the admission of Dissenters to the benefits of the University, and when the House passed a clause allowing their admission to the University, no provision was made for their due and proper admission into colleges, but they were only allowed to establish halls for themselves. Now, Dissenters did not intend to establish separate halls, and they would not be satisfied until they were admitted to the privileges of the University on the same footing as members of the Church of England. In wording his notice of Motion he had used the precise words of Sir Robert Peel, when he discussed this question in 1834. There was then a debate on the subject of opening the Universities of Oxford and Cambridge to Dissenters, so far as allowing them to take lay degrees; and Sir Robert Peel said that it was more rational to grant to the dissenters a full and equal participation in all the advantages of the Universities, which were not necessarily of an ecclesiastical or spiritual character. In 1818, Lord Brougham, then a Member of the House of Commons, moved for a Select Committee to inquire into the education of the lower orders; and as the great public schools of Eton or Winchester had been originally intended as charities for the poor, he extended his inquiry into those schools, and had their statutes published. The publication of the evidence then given had been of great advantage to the boys, who had been made more comfortable, and considerable improvements had been effected in the schools. But the inquiry did not go further than the material wants of the school; his (Mr. Heywood's) inquiry was, however, intended to go to the question of considering the religious scruples of a great portion of the kingdom, with reference to education. Public opinion was now much more favourable to the advantages of the two ancient seats of learning being extended to a larger class of the community than it was in former times, and it, therefore, behoved the House to turn its attention to the subject. No doubt a great deal had been done by opening the outer gates of the University of Oxford to Dissenters; but as matters now stood, if a young man went into a college he must go to chapel, and by the Act of Uniformity, the whole service of the Church must be performed in all colleges in the universities, and in the schools of Eton, Westminster, and Winchester. It was to that point he wished more particularly to direct attention. The Report of the Royal Commissioners for Oxford stated that it was desirable that the services in the colleges should be shorter. Now he (Mr. Heywood) thought that there could not be a better form of prayer for the use of the chapels than one similar to that which was used in that House. It occupied a short time, and no one was tired of it, and he thought that the students at the Universities should also have a short form of prayers. But to adopt such a service involved an alteration in the Act of Uniformity. Again, when a person in the University obtained a fellowship, he was obliged to sign a test under the Act of Uniformity, which was intended originally to keep the Puritans out of the fellowships, and which ought now to be abolished. With regard to the provisions of the Oxford University Reform Bill, and the powers of the Commissioners under it, although it might be supposed that they had powers to go into that question, yet as the subject was not discussed when the Bill was before the House, it was not likely that they would go into it. There were many oaths taken on entering colleges which were far from being strictly true, and which they could hardly expect colleges to undertake to reform. For instance, at Trinity College, Cambridge, the college of which he was a member, every fellow had to take an oath that he would make theology the end of his studies, and at the end of seven years, either take holy orders or leave the college, yet several right hon. Gentlemen in that House had taken this oath, and studied the law and other professions. One of the most distinguished of them, the right hon Gentleman the Member for Edinburgh (Mr. Macaulay) had for many years held a fellowship in that college. This was one of those religious matters which ought to come under the cognisance of a Committee of the House. The nature of the instruction afforded at the Universities would also require much consideration. He was much struck with the evidence given by the hon. Member for Kidderminster (Mr. Lowe) as to the practical result of an Oxford education in Australia. That hon. Gentleman expressed his regret at seeing in Australia young men who were totally unable to encounter the difficulties which presented themselves in that colony, and who had been educated at Oxford. Then, again, many serious mishaps which had occurred at Balaklava, London, and other places, connected with the war, would have been avoided if the education of young men in this country had been of a more practical and scientific nature. The result of the examination of candidates for commissions in the Indian army was exceedingly remarkable, and bore upon this point. From 1851 to 1854 both inclusive, 437 gentlemen were examined for commissions, and of these only sixty-six, or about one-sixth, were admitted. He did not see how the young men of the higher orders could be properly educated, unless the system of our public schools and Universities embraced a greater knowledge of science, as contra-distinguished to the present system of imparting mere classical knowledge. The Royal Commissioners of Oxford had recommended that a portion of the endowments of that University should be set apart for the promotion of scientific education. He did not think that we could take our proper position as a nation, until our education was of a more scientific character. He had heard that very few of Lord Raglan's staff were competent to write a French letter; and they were all, probably, educated at public schools where foreign languages were not properly or systematically taught. He thought that modern languages in the present day were of much more importance than the classics; whereas large prizes were given to students for excellence in writing Greek and Latin verses. There could hardly be a more useless manner of employing a young man's time in the nineteenth century, than in composing Greek or Latin verses, although the case was different when those languages were the common means of intercommunication between learned men of different nations. He believed that unless the House stirred itself, and took this matter into their consideration, nothing would be done in the way of improving this department of education; and he thought it was a question which might be referred to a Select Committee to consider what changes ought to be made in the system of education at our public schools. He believed it would be found of great use to the aristocracy and the higher classes, if our public schools were put on a better footing; and, believing that his Motion would promote that object, he left it with confidence in the hands of the House.

Motion made, and Question proposed—

"That a Select Committee be appointed to inquire into the best means of affording to the Nation a full and equal participation in all the advantages, which are not necessarily of an ecclesiastical or spiritual character, in the Public Schools and Universities of England and Ireland, and of improving the educational system in those great seats of learning, with a view to enlarge their course of Instruction in conformity with the requirements of the public service."

MR. EWART, in seconding the Motion, said he had in view chiefly the improvement of the public schools in this country, which schools were in great need of an altered system. Dissenters ought to be no longer excluded. The time for abolishing all such exclusiveness had arrived, and surely if we had so far departed from the intentions of the founders as not to pray for the repose of the souls of the dead according to the Catholic religion, there could be no argument founded on consistency or principle for not admitting persons of all religious denominations. In supporting the Motion, he did so with a feeling of respect and goodwill towards our public schools, having passed many years in one of them himself. He believed that there was nothing in which greater alteration was required than in the system of our public schools; and to them in particular he would devote a few words, and especially to Eton, his hon. Friend having dealt principally with the Universities. There were two principles which he wished to see adopted—first, that our public schools should be open to persons of all religious denominations; and secondly, that the system of education pursued in them should be improved. The adoption of the first principle would not be more inconsistent with the wills of the founders than the making Protestants the recipients of the benefits of those foundations, whereas almost all the schools had been originally intended for the education of Roman Catholics. With regard to improving the intellectual education of public schools, all the authorities declared that some improvement was the one thing needful. Liebig, Sir Robert Kane, Sir James Stephen, and Dr. Lyon Playfair, all concurred in the opinion that it was necessary to extend the system of our schools in the direction of science and modern history and literature. There could be no doubt that modern languages ought to be systematically taught in our public schools, and till all these things were effected justice could never be done to the foundations, or to the education they were intended to promote. The education afforded at Eton had not varied in the last 150 years, and if you divided that period into three epochs, distinguished severally as those of Sir Robert Walpole, the Poet Gray, and Mr. Canning, it would be found that the same purely classical education prevailed in all of those epochs. He hoped that this Motion would be acceded to, or if it was not, that some course equivalent to what it proposed would be adopted, and that the foundations of Eton and other public schools would be thrown open to the whole community in the religious and educational sense. He was anxious to see the great schools of this country, such as Eton, really national establishments, or as the Dean of Ely had expressed it, not a magnificent cenotaph of learning, but a living monument for the cultivation of all the arts that adorn humanity.

VISCOUNT PALMERSTON said, that no one could deny that the subject to which his hon. Friend had drawn the attention of the House was one of the most interesting kind, and one which ought deeply to engage the attention of every Member of that Assembly. No one could overstate the value of the extension of education, or the expediency and desirableness of abolishing as far as possible all distinctions and differences of religious principle in the promotion of that object. But at the same time he must say, that the Motion of his hon. Friend did not hold out any prospect of any such result being obtained. Firstly, with regard to the Universities. His hon. Friend proposed the appointment of a Committee of that House to inquire into the condition of the Universities, and to suggest some method for equally diffusing the advantages of education amongst persons of different religious persuasions. Now, what was the present state of the Universities? There had been Commissions appointed to inquire into the condition of the Universities of Oxford and Cambridge; the Commissioners had more ample powers than a Committee of that House would possess. Well, with regard to both those Universities, Reports had been made by these Commissions. With respect to Oxford, an Act of Parliament had been passed, after great discussion in both Houses, carrying into effect, to a certain extent, and so far as the conflicting opinions would permit, the recommendations of the Commissioners as to that University. Permanent Commissioners had been appointed who had full power to do many of the things which his hon. Friend had represented as still desirable to be done at Oxford. Then, with respect to Cambridge, a Report had also been made, and a Bill was in preparation which would be presented to the House, he trusted, this Session, for the purpose of applying *mutatis mutandis* to Cambridge, those improvements which had been carried into effect at Oxford. It seemed, under these circumstances, therefore, to him (Lord Palmerston) that to appoint a Committee of that House now to inquire into the condition of Oxford and Cambridge would be but a waste of time. The Commissioners, with ampler powers, had made those Reports, permanent Commissioners were appointed for Oxford, and will be for Cambridge, with powers, if the Universities should not make the alterations by themselves, to compel them to do so. He apprehended that, with regard to the points alluded to, as to the chapel service and so on, the authorities of the University themselves had power to carry out those recommendations. It therefore seemed to him, that the natural course for his hon. Friend, and those who agreed with him in thinking that neither the Commissioners nor the Legislature had gone far enough, or that their recommendations had not been sufficiently carried into execution, would be to see first, whether everything had been done which the Act passed last year for Oxford, and the Act now proposed for Cambridge, could accomplish; and then, if his hon. Friend should think that any further changes were necessary, the course would be for him to embody in a Bill the changes which he considered advisable for curing the defects he wishes to remove. The functions of a Select Committee would be to ascertain evils and propose remedies. Now, the hon. Gentleman did not want a Committee for the former purpose, since he himself had put his finger on the evils which he thought to exist; and he could propose the remedies, if he thought proper, in a Bill for that object. It was impossible to exaggerate the degree in which the national interest was involved in sweeping away, wherever that could be done with propriety, all restrictions on the diffusion of knowledge founded upon differences of religious opinion. How far it might be thought right to sweep away conditions which had been imposed by founders upon the bequests they made—how far that could be done consistently with justice and good faith—was a matter for Parliament to decide, and upon which he (Lord Palmerston) would pronounce no opinion, for it would depend on the particular circumstances of the case. But the hon. Gentleman must be aware that by the Act of last year, a hall might be established at Oxford, in which the subscriptions that were imposed in the colleges on persons dissenting from the Established Church would not apply; and if it were replied that no Dissenters had hitherto availed themselves of the power so bestowed on them, it was more, he considered, their own fault than the fault of the existing institutions—for the Dissenting interest was known to comprise a very wealthy as well as a very numerous class, and it would not be long, probably, before they found the means of availing themselves of the privileges which the Act of last Session conferred upon them. With regard to schools, there was no denying that the system which, for a great length of time, had prevailed in some of our schools was capable of very great improvement. It was perfectly true that until within a very recent period boys passed eight years of their life—a period during which, perhaps, the human mind is most susceptible of improvement—in learning two dead languages—languages which he (Lord Palmerston) would not attempt to disparage, as the instruments of studying the noblest compositions, perhaps, that ever emanated from the human mind. And, heaven forbid that the knowledge of those two languages should ever be left out of the education of men intended for a liberal position in life. That would be a great misfortune; it would narrow the minds of those men; it would deprive them of those high thoughts and noble sentiments which were derived from an acquaintance with the history and the literature of Greece and Rome; and nothing of practical knowledge would, in his opinion, be an equivalent for the loss they would sustain. But the boys who were so occupied in the exclusive study of those languages, were of two classes; those who had not a natural turn for it came away from school knowing very little, and their employment of six or eight years was very often thrown away entirely. Some boys, who do not like the study of the classics, have, perhaps, a turn for other things, and they ought not to be deprived of the opportunity of employing their time in those useful studies which are, perhaps, more congenial to the tempers of their minds. Let those who have a turn for Latin and Greek by all means avail themselves of the opportunity of making themselves the ornaments of society, by possessing those rich treasures to which the knowledge of the Greek and Latin languages is the key. But it should be remembered that it is impossible to crowd the mind with every kind of knowledge; and that if you attempt, during the six or eight years a boy is at school, to teach him not only Latin and Greek, but German, French, Italian, mathematics, natural philosophy, mechanics, chemistry, and such studies as fit men for different courses in life, you will only overtask the boy, and, in attempting to do too much, you will do next to nothing. It was a mistake also to suppose that the public schools had been quite indolent in that respect. His hon. Friend (Mr. Ewart) who seconded this Motion, having been educated at Eton, would, perhaps, not admit the school at which he (Lord Palmerston) was educated, namely, Harrow, to be entitled to the name of a public school; indeed, he remembered at one period there had been a rivalry between those two schools, which was once likely to prevent a cricket match between them. But he could assure the hon. Gentleman that at Harrow great improvements had taken place, that great attention was paid there to modern languages; and he (Lord Palmerston) happened to go there two or three years ago, and saw prizes awarded for compositions recited in German and in French. Now, undoubtedly, modern languages were what might be most usefully cultivated at school, and the acquisition of languages, as eveybody knew, could be the more easily made, the younger the person was who endeavoured to attain them; although with regard to more abstruse sciences, connected with mathematics and mechanics, it was different. He did not know how it might be at Eton and Westminster, but at Harrow, certainly the objects which his hon. Friend thought should be aimed at in public schools had been in a great degree accomplished; and he apprehended that with regard to Eton, Winchester, and other public schools of that description, it rested entirely with the masters and the governors to determine that such improvements should be made; and he hoped that the example of Harrow would be followed there, and that the success which had attended the great exertions of the present master of Harrow, in extending the range of information, would be attained at other schools. But he did not exactly see how a Committee of that House could have competence to deal with matters of this sort, or what authority they would have, supposing the members should settle in their own minds what improvements ought to be made, to enforce those improvements. It was quite true, as his hon. Friend said, that for all the general purposes of life, in the careers of men after they left school and college, the mere knowledge of Latin and Greek was infinitely below what was wanted to advance them to positions of honour and usefulness to the community and to render them useful members of society. But that instruction, which was to qualify them for their different professions, might be given at a later period than that when boys usually left school; and there were all over the country a great number of schools, not public schools, but of a private and special character, in which everything of that kind might be taught. He believed that at Oxford and Cambridge, and certainly at Cambridge, a more extended and useful range of instruction had of late years been adopted. He (Lord Palmerston) happened to have passed three years of his own life in study at Edinburgh, and afterwards a few years at Cambridge; and he was bound in frankness to say that any information which he might have acquired at Edinburgh was infinitely more useful and general than at Cambridge; and that the two years which he spent at Cambridge he passed very much in forgetting what he had learned at Edinburgh. Since that time, he believed, the system at Cambridge had been very much improved, and that the range of information had been exceedingly enlarged. There could be no doubt, however, that the object which the hon. Gentleman had inculcated was one of very great importance, and that the instruction given in those great institutions, which professed to qualify a man for public life, should not be confined to attainments in one or two branches of study, but should afford the means of learning that which might be most useful to them, whatever career they should adopt. Agreeing fully, therefore, with the general principle of his hon. Friend's speech, he did not think the Motion was likely to tend to that practical result at which his hon. Friend was aiming. If the hon. Gentleman thought there was a gool deal to be done which had not been done with regard to the Universities, he would do well to embody in a Bill those provisions which he thought requisite to amend the present system; and with regard to the public schools, he (Lord Palmerston) did really think that a Committee would fall very far short of the objects intended, as it could not be invested with the powers that were necessary to enforce the improvement of these institutions.

Mr. PACKE said, that the hon. Member for Dumfries (Mr. Ewart) was himself an illustration of the good effects of a public school education. The most distinguished ornaments of either House of Parliament, and the principal Members of nearly every Government, had, with few exceptions, been educated at public schools, and that fact alone was, in his opinion, the best answer which could be given to the Motion before the House. With regard to modern languages, it was true that some years ago little or no attention was paid to them, but at the present day the study of them was encouraged, and at Eton a prize established by His Royal Highness Prince Albert was given annually for proficiency in French and German.

Mr. MIALL said, that he did not know what the noble Lord at the head of the Government meant by the term of "sufficient liberality," but it was probable that what might be sufficient for him and for the Government would not be sufficient for that House and the country. The party with whom the noble Lord was connected had never been very liberal towards Dissenters, or on ecclesiastical questions, except in speech. After the determination of the noble Lord to resist this Committee, he (Mr. Miall) hardly knew upon which side of the House he ought to sit; indeed, a very moderate advance upon the concessions offered by the Ministerial side to the friends of religious liberty would be enough to tempt them over to the Opposition side in a body. If the Universities and public schools were national institutions, they ought to be productive of benefit to the whole nation, without any distinction or restrictions as to the different religious denominations. Last Session the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) said that if the Universities were national institutions, they were such in the sense in which parochial benefices might be regarded as national institutions. He (Mr. Miall) would accept that analogy; but parochial benefices were held to exist not for the advantage of one sect, but of all; and to make the analogy complete, the church doors on Sunday should be closed against all who were not in the communion of the Church of England, as the Universities were under very considerable restrictions in dispensing the advantages they had to confer. The State had a right to define what duties should be performed in cases where certain resources were set apart by the founders for specific purposes. He did not wish to argue the question as a Dissenters' question, but as a public question; and as those schools and Universities were known to labour under great restrictions, it was but fair and reasonable that there should be an inquiry, in order that their advantages might be extended to all, while the peculiar ecclesiastical constitutions of the corporations were not interfered with. He would vote for the Motion, and hoped that all those who had voted last year for abolishing religious distinctions in the Universities would follow his example on this occasion.

Mr. HEYWOOD, in reply, said, that he did not see any likelihood of the objects that he sought being accomplished by any measure that had yet been passed, or that was yet announced to be brought forward. Certainly, the proposition which had been made by the noble Lord (Viscount Palmerston), that he (Mr. Heywood) should bring in a Bill to amend the Act of Uniformity, and to provide some service in the college chapels instead of the present full service of the Church of England, was one which he should be happy to accede to, but that he felt it to be a serious responsibility for an individual Member, and he should much prefer to have had the assistance of some other Members who might have conferred with him as to the best course to be adopted, and as to whether it would not be preferable to move an Address to the Crown for a Commission. But as the suggestion had been made, he was willing to accept it, and bring in a Bill; he would, therefore, not put the House to the trouble of dividing.

Motion, by leave, *withdrawn.*

WAGES (HOSIERY).

Sir HENRY HALFORD said, he rose to move for leave to bring in a Bill to restrain stoppages of wages in the hosiery manufacture. He had in the course of the evening presented six petitions against that grievance from the counties of Derby, Leicester, and Nottingham. A Bill upon the same subject was introduced last Session; it was read a second time, and referred to a Select Committee, with the consent of the noble Lord now the Head of the Government, who did not commit himself to the principle of the Bill, but who thought, as great numbers of people were under the impression that they suffered a grievance and an injustice, they were entitled to an inquiry. The inquiry was protracted dvring the Session, but the hosiery manufacture was not even approached by that Committee. He presumed, if he obtained leave to introduce the Bill, that the subject would be referred to a Select Committee, and all he desired was a Committee of unprejudiced men who would take the matter at once under their consideration. The inquiry need not consume any great length of time, for ample materials were before the House in the Report of the Commission appointed ten years ago to inquire into the subject. The petitions that had been presented were signed by between 37,000 and 38,000 persons, a great majority of whom supported the Bill which he now desired to introduce, which was literally the same Bill as the one of last Session. The people complained of their low earnings and extremely depressed condition, occasioned by the extravagant stoppages made from their wages by their employers, and by the middlemen between their employers and themselves. They stated that these stoppages were arbitrary, uncertain, and excessive—that they were governed by no rule, that they differed in amount at different times and in different places; and that they were entirely irrespective of the material delivered, since the full stoppage, for rent of the frame, sometimes had to be paid when materials were delivered, perhaps, for half work, or for a small proportion only; that the powers of stopping wages were unlimited, and were used as means of competition among the masters, having the effect of depressing wages throughout the trade, the least scrupulous of the employers underselling others, and compelling a general reduction of wages. They stated that the amount of these reductions was from 40 to 100 per cent on the value of the frames upon which they were levied; and that, by opening a source of gain not proportioned to the work required, but to the number of frames employed, it became the interest of the employers to collect the greatest possible number of workmen without reference to what they wanted; that the employers thus took advantage of the distress of parents and of the helplessness of young persons, to collect numbers together, not in well-regulated factories under proper control and superintendence, but in the shops of the middlemen, with no discipline and no care of morals or health. In some parts of the manufacture, this opportunity of making unfair profits prevented the most economical mode of working in large establishments under due superintendence from being adopted, whilst in other branches of the manufacture, which were suited to the domestic condition, it substituted the middlemen's shops for the wholesome mode of working in the house. They stated the good effects that would result from the Bill of last year, in relieving the framework knitters from the dependant condition in which they were, and in placing the instruments of their trade within their reach, wherever they could be obtained by hire or purchase, at the fair market-price. These representations were not made only by the workmen, but last Session some petitions were presented, setting forth the same view, from some of the principal masters. The case had been pleaded at the provincial Courts on different occasions, and, at the suggestion of the Commissioners, they made an appeal to the Court of Queen's Bench, to decide whether this practice, being in fact a payment of wages otherwise than in money, did not come within the prohibitions of the Truck Act. The case was argued before Lord Denman, whose judgment, unfortunately, was not favourable to the workmen. It appeared that the facts were very imperfectly laid before his Lordship, so that he was under a mistake as to the nature of the practice. The simple object of this Bill was to bring these stoppages of wages within the provisions of the Truck Act, and he was at a loss to understand the objections which could be made to it. He was aware that there were those who advocated non-interference between workmen and masters, but he hoped the House would not countenance this doctrine of *laissez faire, laissez aller*, in the present instance. He maintained that this was a proper case for legislation, and he trusted the House would allow the full inquiry he wished for, in order that, after the long period of misery to which those workmen had been subjected, they might, at least, have the satisfaction of knowing that their grievances were attended to, and would, if practicable, be redressed. He begged, therefore, to move for leave to bring in a Bill to restrain stoppages from wages in the hosiery manufacture.

Sir GEORGE GREY said, that having opposed the Bill of last Session, he felt bound to offer his opposition to the present Motion. The object of the hon. Baronet appeared to be to obtain an inquiry into this subject, in order to ascertain whether any legislation upon it was necessary, and, if necessary, what that legislation should be. Now, he (Sir George Grey) thought the House were not in possession of sufficient information upon the matter to enable them to accede to the Motion of the hon. Baronet, and it would, therefore, be better to institute an inquiry first. At the same time, he doubted whether the principle involved in the question was one which the House ought to affirm or not. He gave the hon. Baronet credit for the most benevolent intentions in the course which he had pursued, but he must repeat what he had stated upon a former occasion, that he believed it would be altogether impracticable to attain the object attempted to be carried out by this Bill. The remedy proposed by the hon. Baronet for the grievance of which he complained was a remedy for a grievance which was altogether illusory, and the House ought not to encourage what they knew to be a delusion. He (Sir George Grey) understood that the Bill now sought to be introduced was similar to that which was dealt with by the House last year, and that the hon. Baronet now proposed to regulate, by Act of Parliament, the rents to be paid for certain frames. He (Sir George Grey) thought it impossible to establish such a regulation by Act of Parliament; but if the House thought that a further inquiry was necessary into the condition of the people interested in this question, and who complained of a great grievance pressing upon them, he had no objection to the institution of such an inquiry, though he could not himself see any necessity for it. He had, however, no objection to an inquiry, because the House last year, he would not say, affirmed the principle of the Bill, but read it a second time, with the avowed object of sending it to a Committee to take evidence and inquire into the facts of the case. The Committee who sat upon this subject, and also upon the Truck Bill last Session, made, at the end of the Session, as he had anticipated, no Report, but recommended that they should be reappointed this Session, in order that they might be enabled to proceed further with the inquiry. If the House thought fit to reappoint the Committee he would not object to their reappointment, because he certainly thought that that course ought to be adopted before leave was given for the introduction of the Bill of the hon. Baronet.

Mr. PACKE said, he was somewhat surprised and exceedingly sorry to hear that the right hon. Baronet the Home Secretary, on the part of the Government, was prepared to resist the introduction of this Bill. The right hon. Baronet had declared it was a measure "altogether illusory," but that was surely begging the whole question, for the Committee which had been appointed last Session to consider that question had not been able to arrive at it, and it was scarcely to be affirmed that the measure was illusory before its character had been really inquired into. If the hon. Member opposite (Mr. Craufurd) had been in earnest as to the desire for an inquiry, he would have proposed the reappointment of the Committee before the reintroduction of the Bill, which, however, it should be observed, affected only the hosiery trade. It appeared that a particular class of the community were suffering grievous wrong—it was a maxim of the constitution that wherever there was a wrong there was a remedy—and it was to be expected that the House should at least attempt to provide a remedy. It was all very well to talk of theories of political economy, and to use phrases of "labour" and "capital," and "supply and demand," and so forth; but the plain simple fact was, that capitalists were too powerful for the artisans, and that the latter must accept their terms or starve. The master manufacturers charged 2*s.* a week for frames, worth hardly 5*l.*—about 100 per cent, and if the poor artisan happened to obtain possession of a frame he was denied employment. This was a grievous injury to a large class of workmen in the midland counties, and for that wrong there ought to be a remedy. It was not just to refuse to permit a Bill to be brought in for that object, or to throw it over until a Committee had sat on the subject, which would be postponing it *sine die.* The measure ought, at least, to be allowed to be brought in, and he should certainly vote for it.

Mr. WILKINSON said, he thought it would be cruel to hold out to parties in distress that by means, such as this Bill contemplated, their condition could be bettered, or that it was in the power of the House of Commons to remedy such grievances as these men complained of. The measure would be a delusion. The men should be told at once that theirs was a bad trade, and that they had better leave it.

Sir JOSHUA WALMSLEY said, he must express his surprise at that which had fallen from the hon. Member for Lambeth. That hon. Gentleman had been pleased to call this Bill a cruel measure, calculated to deceive the workmen, and subversive of all the true principles of trade. It had been acknowledged by almost every speaker that stocking weavers were in a most depressed and disastrous condition; that they had been so for years, and were almost without hope; that their wages were lower than those of the agricultural labourer, and that they were subject to heavy deductions. These men had for years prayed that House to consider if any and what measures could be adopted for their relief. They believed that by a Bill for the payment of wages in full, without deductions, they might have the opportunity of bargaining and reducing those charges which were deemed exorbitant. They had petitioned that House again and again that leave might be granted them to make known and explain their grievances, and to show that the remedies they proposed were just and reasonable, and they were now to be told that the Bill they prayed for was a cruel measure. It appeared to him that to refuse their prayers was indeed the cruelty which might be fairly complained of. The right hon. Gentleman the Secretary for the Home Department had been pleased to make an assertion which he took leave to repudiate, namely, that the Bill was an attempt to regulate the rates of frame rents and charges. The right hon. Gentleman ought to have informed himself on the fact, and not have made such a representation to the House. So far from attempting to regulate the rates of frames, the workmen desired that they should form a question of bargain between employer and employed, and not by custom, as at present. Neither did the workmen attempt any dictation as to the rates of wages, or desire to do so. On the contrary, they were prepared to take even less wages than they now received, rather than submit to the charges at present levied. He had never hesitated to declare their anxious wish to sustain the rights of property, to pay for the frames they used; but they objected to have their wages reduced by deductions to which they were not a consenting party, and which were founded on what they believed to be an unjust principle. It was urged they would be in no better position were this Bill to become law; but those who used this argument should remember that the men had some experience in the matter, and ought to have credit for understanding their own interests. It would be a cruel mockery to refuse inquiry to the prayers of 60,000 people in such a state of suffering as had been described. It should also be remembered that hopes had been held out for inquiry. In a full House of 311 Members, a majority of sixty-one affirmed the same Bill last year; and it was sent to a Committee upstairs, but who had not time to examine into its merits. Surely the same course might be adopted now. He sincerely trusted, whatever might be the result of the Bill, they would not act so discourteous and offensive a part as to refuse the introduction of the Bill. All that was sought was a full, a searching inquiry. He believed such was as essential to the welfare and comfort of the manufacturers as to the workmen. Many of the manufacturers were favourable to the principle of the Bill: some had long worked profitably under similar regulations, and, he believed, that in a few years there would not be a manufacturer who would not rejoice in the passing of this Bill, as, he believed, they would all do on seeing their workmen happy and contented.

Mr. BOOKER said, that no doubt there were cases in which such abuses existed with respect to the relation between capital and labour as to render the interference of the Legislature necessary, and he hoped, therefore, that the House would not act upon the expressed wish of the Government, and prevent the introduction of this Bill, the only object of which was to place the artisans in the hosiery trade on the same footing as workmen in other trades. It had in former years been considered by Parliament that there were cases in which "capital" proved too strong for "labour," and this was one of them. Abuses had arisen which it was necessary to put a stop to, and he trusted the House would not refuse to entertain a measure brought in for that object. He had served upon the Committee which was appointed to consider this subject last year, and he regarded the suggestion that the Bill should be referred to that Committee as a mere attempt to get rid of the measure altogether. He had entered the Committee-room with very strong preconceived opinions in common with one-half of the Committee; the remainder of the Committee entertained equally strong preconceived opinions on the other side; and he believed that the evidence given before them only tended to confirm the original opinions of both parties. The Committee agreed to no Report, but they simply adopted a Resolution recommending the reappointment of a Committee to consider the subject during the ensuing Session. He hoped that, if a Committee were reappointed to consider the Truck Acts, it would be an entirely new Committee, composed of persons who had not formed any opinion on the subject. It was true that a great deal of evidence was adduced before the Committee of last year to show the advantage which had been derived by the population of England, Scotland, and Wales from the working of the Truck Acts; but, on the other hand, many individuals were brought forward, including shopkeepers and persons engaged in manufactures, who condemned the operation of those Acts. That Committee failed, however, to come to any determination, and he therefore thought it desirable that a new Committee should be appointed to ascertain whether the truck system was or was not beneficial to the working classes.

Mr. GARDNER said, he considered that if it was not the intention of the promoters of this Bill to raise wages by Act of Parliament, any agitation on such a subject could only have the effect of bringing that House into contempt and odium with the people, by leading them to suppose that the House had the power but not the will to afford them relief. His hon. Friend (Mr. Booker) had said that the investigation before the Committee had not altered his views on this subject. He (Mr. Gardner) had been a Member of that Committee, and he must say their inquiries had produced an effect upon his mind. After hearing the evidence given before the Committee, any doubts he had entertained with respect to the truck system were completely removed, and if the truck question was brought forward again he would oppose any imprudent and injudicious legislation upon such a system.

Mr. W. J. FOX said, he thought his hon. Friend who last spoke had misrepresented the object of this Bill when he had called it a measure for raising wages by Act of Parliament, for it was not a Bill for raising wages, but for enforcing the honest payment of wages. The principle of the Bill seemed to him (Mr. Fox) to be most simple and unobjectionable, and whatever inquiry might be needful could surely only be necessary with regard to matters of detail, and not with respect to the principle of the measure. What an employer undertook to pay the operative he should pay according to contract. When the work upon which the operative was engaged was brought to the employer, whether that work was produced by a machine belonging to the labourer himself, or by a hired machine, or by a borrowed machine, or by a machine obtained in any other way, the business of the employer was to remunerate the employed for the work which he had completed. As to the master's stopping the wages of the operative, in order to provide for the punctual payment of the person whose machine the operative might have hired, it appeared to him that a master had no more right to interfere in such a case than for the payment of the rent of the labourer's cottage, or of the tradesman from whom he obtained provisions. The hire of the machine was a debt, to be treated like all other debts. The House of Commons ought not to expose the labourer to the inconvenience and injury of allowing his master to withdraw, in an arbitrary manner, a portion of his wages to pay for the machine he had hired. He supported the Bill on the simple principle upon which it was based—that "the labourer is worthy of his hire." Let the master pay the operative his hire, and let the operative expend it as he pleased.

Mr. BIGGS said, that as one deeply interested in the question, he would not oppose the introduction of the Bill, though he did not believe any good would result from such legislation. He considered that the measure of the hon. Baronet would, by a series of vexatious enactments, so complicate the relations of labour and capital in the midland counties, and diminish the profits of manufacturers, as to lead to the withdrawal of capital from the trade, and its application to other objects. The Bill proceeded on the assumption that considerable distress existed among the operatives engaged in the hosiery trade in the midland counties, and that such distress was caused by the cupidity of the manufacturers, who exacted undue rents and made unfair charges upon their workpeople. But could they reduce those rents and charges without reducing also the rate of wages? If they could, the House might, perhaps, be justified in interfering on the score of common humanity; but what was the fact? The hosiery business was carried on in the midland counties, where it had been established a century and a half, and employed about 50,000 hands. The custom of charges against which this Bill was levelled had existed since the establishment of the manufacture, and had no influence whatever upon the prevailing distress, which had arisen from a combination of causes, one of the main causes of such distress being the introduction of improved machinery. The trade was in a transition state, and there had been a great pressure on the whole system. There were now 50,000 frames in the midland counties, 10,000 of them being new and improved frames, by which a woman or a strong boy or girl could produce six stockings in the time it would have taken a man to make one stocking by an old frame. It was impossible for the English manufacturers to compete with the Saxons without making continual improvements in machinery, and exercising their skill in the most judicious manner. The depression of this class of workmen had been going on for the last thirty or forty years, and the great reason of it was the continual growth of improved machinery. Any attempt at legislation on the subject would only hold forth delusive hopes to those poor men, who complained of the hardships which they endured without having any adequate knowledge of their causes. The Bill of the hon. Baronet opposite was levelled at two things—at the taking of rents for the frames, and at certain charges to which the workmen were liable. Now, this was a trade carried on in numerous villages and in the cottages of the workers. The frames were generally, though not always, the property of the manufacturers; and if they abolished this rent, they might, on the same principle, abolish the rent taken for cottages, or even for farms. It was said no rent was charged for the ploughs, the shovels, and other instruments used in the labours of a farm. No; but rent was taken for the farms; and he contended that these frames were the farms of the stocking manufacturers. Capital was invested in this kind of property with the intention of receiving interest or rent from it. He warned them that the effect of passing this Bill and taking away the rent or consideration given for the frames would be to reduce the wages of the workmen. As to the other charges to which workmen were liable, he was willing to admit that cases might have occurred where cupidity on the one hand, and dependence on the other, led to exaction; but that was no reason why legislation should be levelled against a whole class. He believed that, morally and intellectually, and for the social good they had done, the manufacturers in the midland counties might be compared with any order of men in the empire. The charges referred to were incurred on account of the soap, oil, water, light, &c., used by the individual workmen in weaving the raw material. One man took charge of, perhaps, twelve or twenty workmen, went to town, got the raw material for them, and provided the articles just mentioned, deducting the price of the latter from the wages of the workmen, before he went to the warehouse with their work. This was done by him much cheaper than they could do it for themselves, and it was a natural result of the trade being left to itself, and being carried on upon the cheapest and most economical system. The Bill, if it passed, would not get rid of this process, for the articles must be paid for either by the individual workman or by a middleman, who would provide them at a much cheaper rate. The hon. Baronet's plan had been tried to a certain extent, and abandoned, it being found of no benefit either to the masters or the workmen. If this Bill should pass, it would be a dead letter, and as valueless a piece of legislation as ever had passed that House. The only remedy was for the operatives to transfer themselves to other employments that were more profitable, and if they could not do so, legislation of the kind now submitted to the House would not assist them.

Mr. BARROW said, he should vote against the introduction of the Bill with a feeling of deep regret that the trade had fallen into such a state that no legislation could mend it. The Bill would cause an interference between masters and workmen, and could do no good. He could not believe that tradesmen who were driven out of the market by machinery would be benefited by it. If this Bill should pass, it would lead to the transfer of machines from the cottages of the workmen to large factories, and he was quite sure that those who were friendly to the workmen did not wish that they should be concentrated in large masses and exposed to the evils of strikes, which might follow from such an arrangement.

Mr. NEWDEGATE said, it was not denied that abuses existed in this trade. The existence of these abuses was admitted fully by those most disposed to refuse all legislative attempt to remedy them. The legislation proposed by the Bill which it was sought to introduce was directed against the truck system, in an aggravated form, which had existed in the hosiery districts for many years, and been productive of very painful results to the operatives. The hon. Baronet who brought the subject forward had studied it for years, and all he asked was that he should be permitted to bring in the Bill—a permission granted last Session in a full House—for the purpose of having it considered in committee upstairs. It would be most inconsistent to refuse permission to introduce this Bill, for the Committee, part of whose duty it was to consider this Bill last Session, was so occupied by other business, that it never reached the subject of this Bill, and consequently had never performed the task assigned to it by the House. He hoped the House would not revoke a decision to which it had come last year. From his (Mr. Newdegate's) knowledge of the locality in which this truck system prevailed, he was prepared to assert that the grievances complained of had an existence, and could be dealt with without injury to the fair trader, and, he believed, with great advantage to the operatives.

SIR HENRY HALFORD, in reply, said he could not avoid expressing his surprise at the course that had been taken by the right hon. Gentleman the Secretary of State for the Home Department. His surprise was the greater, because that course was different from the one which had been adopted last year by the noble Viscount now at the head of the Government. He could not reconcile it to his conscience to abandon the measure, and would divide the House upon it.

Motion made, and Question put, "That leave be given to bring in a Bill to restrain Stoppages from Wages in the Hosiery Manufacture."

The House *divided* :—Ayes 58 ; Noes 96 ; Majority 38.

SIR C. NAPIER—NAVAL OPERATIONS IN THE BALTIC.

MR. MALINS said, the Motion of which he had given notice was one of very great importance, and consequently he felt considerable hesitation in being the organ of bringing it before the House. But, involving as it did considerations of importance to the public service, the honour of public servants, and the discretion of the Government, he did not feel himself at liberty to decline the request that had been made to him to bring the matter before the House. He trusted, therefore, that he should receive the kind indulgence of the House while he made a statement of facts as the foundation for the Motion he should have the honour to make. The House was well aware of the circumstances under which Sir Charles Napier was appointed to command the fleet in the Baltic rather more than a year ago. It was in the month of February, 1854, that the Government, having determined to equip and send out to the Baltic the finest fleet, as universally admitted, that had ever left the shores of Great Britain, proceeded to execute that task which became an imperative duty upon them, and to exercise the best of their powers of judgment in selecting for the command of that fleet the most distinguished officer that could be found in the *Navy List*. The Admiralty was at that time presided over by the right hon. Baronet the Member for Carlisle (Sir J. Graham), and the present Prime Minister was at that period the Secretary of State for the Home Department. Upon the right hon. Member for Carlisle more particularly devolved the duty of selecting the commander of that fleet. The nation, knowing that this great fleet was about to quit these shores, looked with intense anxiety to the person who should be selected to command it, and they received, certainly with great approbation, the announcement that Sir Charles Napier had been selected to take that command. The Government of that day felt proud of their selection; they felt that they had completely to their own satisfaction, and, as they thought, to the satisfaction of the nation, fixed upon the man whose appointment would be hailed with universal joy; and the House would also remember, that the appointment was celebrated by that dinner at the Reform Club, to which, however, he should only advert for the particular purpose he had in view. The propriety of that dinner had been discussed in that House, and it was not his intention to renew that discussion on the present occasion; but he would not discharge his duty in bringing forward this Motion if he did not advert to it for, as he had just stated, a particular purpose. The dinner on that occasion was presided over by the noble Lord the present Prime Minister of England, and it was attended by the right hon. Member for Carlisle, then First Lord of the Admiralty. It was also attended by another Member of the Government, the Chief Commissioner of Woods and Forests, and by a great number of Members who sat on the Government side of the House. He would refer very shortly to one or two things that were said at that dinner, to show the satisfaction which Members of the Government expressed at the selection that had been made of Sir Charles Napier to command the fleet. He should trouble the House by reading one passage from the speech of the noble Lord the present Prime Minister, who said at the conclusion of his address—

> "As bearing upon that point (that is, upon the fitness of Sir Charles Napier), I cannot refrain from repeating an observation made to me by a very discriminating and calculating friend of mine, who passed some portion of his time in the East at the period to which I have adverted, who saw a good deal of my gallant friend there, and who, when he came home, came to me to give me some account of what he had observed there. I mentioned my gallant friend to him, and praised his boldness, his intrepidity, his daring. My friend said, 'Yes, all that is very true; but there is another quality Sir Charles Napier possesses as valuable as any of those, and a most important ingredient in them. I never saw a man in my life who calculated so many moves beforehand as Sir Charles Napier.' Now, when a man calculates his

moves beforehand, and has a spirit and genius to execute them, I think that the country which places its fortunes in his hands may well feel confident in his success."

The right hon. Gentleman the Member for Carlisle then said—

> "I shall not pretend to weigh the precise ingredients of valour my gallant friend was distinguished for, his remarkable daring and bravery; but even then, in that early part of his career, he verified the praise of the noble Lord. He looked several moves before him, and, in my judgment, he is not only a gallant, but I look upon him as a most discreet commander. He possesses my entire confidence, and I rejoice in having had the opportunity on this great occasion to commend him to the choice of my Sovereign. The selection, I believe, is approved by the country—it is approved by the profession; and although the propelling power of the fleets may be changed, though naval tactics may be altered, as he goes forth the commander, not of a pressed body of men, but of volunteers in Her Majesty's service—though all these old plans may be changed, yet there is one thing that is unchanged, the gallantry and the power of command of my gallant friend. He does not go forth under the hypocritical pretence of conducting a religious war, but he goes forth to assert the independence of Europe—to resist, and I hope successfully to resist, the lawless spirit of aggression and aggrandisement which now threatens to disturb the general peace. My gallant friend says that when he gets into the Baltic he will declare war. I, as First Lord of the Admiralty, give him my free consent to do so. I hope that war will be short. It may be sharp, but I trust, with the spirit and energy that have ever guided my gallant friend, it will be decisive, and although politics are excluded generally from the naval profession, yet we, as Reformers, may be proud that the honour of the British flag in the Euxine and the Baltic is intrusted to two such champions as Admiral Dundas and Sir Charles Napier. They will prove true to their country in the last extremity, and I sincerely hope the time may not be far distant when you, perhaps, will kindly invite me again to celebrate the return of my gallant friend. This evening is an evening of happy augury. When we next meet I hope it will be to celebrate a brilliant success."

Could any man have believed that the gallant Admiral who on the 7th or 8th of March, 1854, was proclaimed to Europe as the fittest man to be found to sustain the honour of England, should, when he returned with that fleet, having received the approbation of the Government almost every day while he commanded it, be met by the right hon. Gentleman the Member for Carlisle with contempt and contumely, and dismissed from his command, instead of being invited to meet the right hon. Gentleman to celebrate his success? He hoped the House would clearly understand that he did not bring forward this matter as a personal question that merely affected an Admiral, but as a question involving the honour of public servants generally. He trusted the House would agree with him in thinking that England could not insult her best public men and most valued servants with impunity, or without proclaiming to the world either that the Government was shortsighted in the selection of a man, or being foresighted, as they claimed the credit of being, it was an unworthy service to embark in when the man selected, having done his best and received praise, should be so treated at the end.

The appointment having been so inaugurated, the gallant Admiral hoisted his flag and proceeded to the Baltic. He (Mr. Malins) begged here to observe that he had experienced great difficulty while examining the documents which had been submitted for his inspection, being apprehensive lest in bringing them before the House he should refer to anything that would be calculated to impair the public service. In the midst of such a correspondence it was difficult to steer clear of such a difficulty, but he should endeavour as much as possible to avoid reading anything that might be considered a communication to the enemy or which contained anything detrimental to the public service. He found that the gallant Admiral having arrived in the Baltic, a correspondence, both public and private, took place. Letters were written by the Board of Admiralty to the gallant Admiral, and letters were also written to him by the First Lord of the Admiralty in his individual capacity, expressing to him the most marked and unequivocal admiration of his conduct from the day he sailed, down, at all events, to the month of September. The House would consider the difficulties with which the gallant Admiral had to contend; they would recollect that he quitted their shores with the most powerful fleet that England had ever sent forth, but with undisciplined men, who had not any experience of war, and had before him a navigation the most intricate which any part of the world presented. The House would see that the gallant Admiral in command of that fleet evaded those difficulties, preserved his fleet entire without disaster, and did all the Government had expected of him, and more; and instead of being treated in the manner he had been treated, the public service and the honour of the country required that he should be received with honour by his country and requited in a manner worthy of the position which he occupied. It would be necessary for him to refer to some letters that had been written by the

First Lord of the Admiralty in his individual capacity to the Admiral, and he was aware it might be said they were private letters. He had maturely considered the subject, and he was satisfied the House would not consider them as private letters. It could not be considered that letters written by one public officer to another in the public service, and calculated to influence the actions of that public officer to whom the letters were addressed, should be treated as private communications. Supposing, for instance, the First Lord of the Admiralty, in his individual capacity, had written to the commander of the fleet, requesting that he would not delay an attack on Cronstadt beyond the 1st of June—he (Mr. Malins) was only putting a case, such a thing did not occur—and suppose the Admiral, contrary to his judgment, resolved to make the attack, and failed, was he to be told that he should not be at liberty to produce in justification of his conduct a letter written by the First Lord of the Admiralty to him, which was calculated to influence his conduct, and which did in fact influence it? He could not think that any one would deny that proposition. However he had a precedent for reading these letters. A noble Lord on the other side of the House had proposed the appointment of a Committee, commonly known as the Stafford Committee, to inquire into the conduct of a gentleman on that (the Opposition) side of the House in the management of the dockyards and other matters. The question arose before that Committee whether letters written by the First Lord of the Admiralty in his individual capacity to the Secretary of the Admiralty in his individual capacity should be read before that Committee, and the Committee, which was presided over by the noble Lord the Member for Totness (Lord Seymour) resolved that all those private communications should be produced, and that no person examined before the Committee should be allowed to protect himself by saying that the letter he had received was a private letter, or that a communication which had taken place between himself and another public servant was a private communication. He thought the decision of a competent tribunal, that such communications were not private communications, was sufficient to justify him in the course he was about to pursue. He should now proceed to refer to the letters that had been addressed to Sir Charles Napier by the right hon. Baronet the Member for Carlisle; but it was not his intention to place their contents *in extenso* before the House. He had made a selection of a few of the most important passages which bore on the general proposition which he meant to snbmit to the House. He had stated the circumstances under which Sir Charles Napier was appointed, he had referred to the favourable auspices under which he left these shores, and to the manner in which the operations in the Baltic were carried on, and he was now desirous of showing that those operations were conducted to the entire satisfaction of the Government; and for that purpose he would read a few passages from the letters of the right hon. Baronet. It would be remembered that Sir Charles left England in the middle of March. On the 10th of April he received the following letter from the right hon. Member for Carlisle—

> "I am entirely satisfied with your proceedings. Neither Lord Clarendon nor I anticipated your movement inside the Belt, and believed that you would watch in the Cattegat the entrance of the Sound and of the Belts until you received orders to enter the Baltic. You judged, however, wisely, and the time which you have gained has been very precious, and the passage of the Belt in fine weather and in safety has been a most successful exploit. You will also have been enabled to exercise your officers and men to great advantage, with the certainty that the enemy is in front of you, blocked up in ice for some time to come, and that your reinforcements will arrive, and that your discipline will be improved. When the state of the ice permits, I conclude that you will establish a close blockade of the Gulf of Finland, dividing the enemy's squadron at Cronstadt, and at Sweaborg, and intercepting the trade of Revel and Riga. I rely on your prudence in not knocking your head against stone walls prematurely, or without the certainty of a great success, or the fair prospect of attaining some most important object worthy of the risk and of the loss, which when you attack fortresses with ships are serious and inevitable."

All that prudent advice was given by the Admiralty during spring and summer, the fitting seasons to attack stone walls if they were to be attacked at all; but when winter came, with hurricanes and boisterous weather, they were very desirous that those stone walls should be attacked. On the 1st of May the right hon. Baronet again writes—

> "I have received your letter of the 19th, off the entrance of the Gulf of Finland. I am glad that you decided not to proceed to Sweaborg. The weather is still broken, the channel is not clear of ice, and your force is not yet concentrated. A safe anchorage within the Gulf of Finland would seem to me your greatest and most pressing necessity. I had hoped that Port Baltic

might be available for this purpose, but if it be commanded from the shore, or if for any other reason you reject it, still I trust that you will be enabled to establish and to hold a close blockade of the Gulf of Finland, and to cut off the communication by sea between Sweaborg and Cronstadt. Your force, I hope and think, will be large enough to render the escape of any Russian squadron from the Baltic impossible, and to leave us quite at ease in England, although we may have no large reserve ready on our own shores. It will be best in the first instance to feel your way, and to make good your hold in the Gulf of Finland. When I say this, I by no means contemplate an attack either on this or that place (mentioning two places). I have a great respect for stone walls, and have no fancy for running even screw line-of-battle ships against them. Because the public here may be impatient, you must not be rash; because they at a distance from danger are foolhardy, you must not risk the loss of a fleet in an impossible enterprise. I believe both to be all but impregnable from the sea, Sweaborg more especially; and none but a very large army could co-operate by land efficiently. If, then, you have no means except naval at your command you must pause long and consider well before you attempt any attack on the Russian squadrons in their strongholds, and I am afraid they are much too cautious to come out and meet you. Had you been weaker, they might have done so; now they will wait and watch an opportunity in the hope that you will seriously cripple your force by knocking your head against their forts, when they may take you at a serious disadvantage, and inflict a fatal blow. These considerations must not be overlooked by you. I recall them to your mind, lest in the eager desire to achieve a great exploit, and to satisfy the wild wishes of an impatient multitude at home, you should yield to some rash impulse, and fail in the discharge of one of the noblest of duties, which is the moral courage to do what you know to be right, at the risk of being accused of having done wrong. It is enough to present this view to your deliberate attention; you will reflect on it, and I am certain that your judgment will not err."

He (Mr. Malins) did not read those letters for the purpose of blaming the advice that had been given. On the contrary, he conceived it to be a sound advice to give, and a good advice for the Admiral to follow; but he complained that all that advice which was given at a certain period was departed from, and the Government thought fit to quarrel with the Admiral because, having adhered to this advice during the summer and a part of autumn, he did not think fit at their suggestion to depart from it when winter set in. On the 15th May, the right hon. Baronet writes as follows—

"If anything can be done you will discover the best means of doing it; but no rash experiments must be tried which do not hold out a reasonable prospect of success. I am anxious to hear your opinion and intentions when you have looked at Sweaborg and entered the Gulf of Finland. I am afraid that the Russians will not pluck up courage and come out to meet you."

Mr. Malins

It was a subject of frequent reproach that the Russians avoided coming out and giving battle in the open sea. On the 20th of June, by which time the Government had some experience, the Admiral having gone out in March, the right hon. Baronet thus expressed his most unqualified approval of the gallant officer's proceedings—

"I am well pleased with all your operations; and the concentration of your force at the entrance of the Gulf of Finland, in a safe harbour where you can command fresh water, appears to me a judicious operation. I conclude that you will leave a squadron before Helsingfors sufficiently strong to prevent the escape of the Russian squadron skulking within the harbour, and proceed with the rest of the combined fleet to the neighbourhood of Cronstadt, which I am afraid you will find unassailable. If the Russian fleet will not come out to meet you, and if you find that you cannot reach them, after having well reconnoitred the works, and ascertained what it is possible and impossible to do, your return to the more open sea below Helsingfors would appear to be a judicious measure, every necessary precaution being taken to prevent the reunion of the Russian force now divided at Cronstadt and Helsingfors. I am well aware of all the difficulties of your position, and of the impossibility of triumphing over an enemy who will not fight you on fair terms; but you will discipline our fleet, and make our officers and men ready for any service. It is a disgrace to Russia that she dare not show a ship in her own waters, and that she is driven to seek for safety under the shelter of her fortresses. It would be madness to play her game, and to rush headlong on her granite walls, risking our naval superiority, with all the fatal consequences of defeat, in an unequal contest with wood against stone, which in the long run cannot succeed. I had reliance on your prudence, which was doubted. Your brilliant courage was proved long ago. You will now show to the world that you possess a combination of those great virtues which are necessary to make a consummate commander in chief."

On the 27th of June he again writes as follows—

"I am glad you have gone up to Cronstadt to see with your own eyes what it may be possible to do there. Whatever man can do I am certain will be done by you; and if you are restrained by a sense of duty from embarking in any desperate enterprise, on your return to Baro Sound you shall receive full instructions from me respecting an attack upon the Aland Islands."

Finally, on the 25th of August, the right hon. Gentleman wrote to say that he was more than satisfied with the gallant Admiral's proceedings, that he was delighted with the prudence and sound judgment he had evinced, and that it would have been a miserable want of firmness had he yielded to clamour, and risked his ships and sacrificed many valuable lives in an attempt to destroy by naval means, works which were certain to fall upon being attacked by land.

He added, that the gallant Admiral's reasoning in favour of the immediate and entire destruction of the forts at Bomarsund was irresistible, and hoped he would take care to destroy them so completely that not one stone should be left upon another. He concluded by observing, that he was well pleased with the promptitude with which Sir Charles had sent back the line-of-battle ships and steamers; that he gave the gallant Admiral the utmost credit for the work he had done; that he then wrote in haste, as the time pressed for the destruction of Bomarsund, but that in a few days he would write upon the subject of ulterior operations, and of the preparations which must be made for an early retreat from the Baltic before winter. Now he thought that correspondence distinctly showed that from the time Sir Charles Napier left England down to the end of August, he received through the right hon. Baronet the repeated and unqualified approbation of the Government. He would now proceed to see whether anything took place after that period to disentitle the gallant officer to the same unqualified approbation of the Government. On the 20th of June, the Admiral had been directed to make a Report upon the practicability of taking Sweaborg; and the Admiral himself, on the 20th of June, made a Report to the Government, inclosing another Report of Admiral Chads, agreeing with his own on the subject of such an attack. Both Admirals agreed as to the particular mode of taking the fortress, and they both agreed that if proper appliances were afforded them, and the attack were made at the proper season of the year, they should have no doubt whatever as to the success of the operation, but they both agreed that the attack must not be made later than the autumn. Now, after the fall of Bomarsund, namely, on the 4th of September, the French army sailed from the Baltic, and returned to France, but the French fleet remained there until the 19th of September. About the middle of that month Government were desirous of obtaining the opinions of the English and French Admirals as to the practicability of taking Sweaborg, and accordingly Sir Charles Napier was requested to hold a conference with the French Admiral, and to take into consideration what could be done. A plan for the purpose had been submitted to the Government by a distinguished engineering officer, namely, General Jones, and another plan by a distinguished French engineer, namely, General Niel, and the English and French Admirals were desired to hold a conference, and take those plans into consideration. Accordingly a consultation was held on board the *Duke of Wellington*, the Admiral's ship, on the 12th of September, which was attended by three English admirals, the French admiral, and the French vice-admiral; and having considered the plans, they agreed to a Report, which the House of course would not expect him to read; but they all unanimously agreed in this, that the season of the year was too late to admit of such an operation being justifiably undertaken. That Report was forwarded to the Admiralty by Sir Charles Napier, on the 12th of September; but soon after, the Admiralty, feeling some anxiety on the subject, again wrote to Sir Charles Napier, requesting that a second consultation might be held; and accordingly Sir Charles Napier again wrote to the French Admiral, requesting his attendance on board the *Duke of Wellington* to reconsider the details of the plans. The French Admiral, however, declined to attend. He stated that he had already given his opinion, and his mind was made up on the subject. This was on the 18th of September; on the 19th the French fleet returned to France, and now of course the position of Sir Charles Napier became very materially altered to what it had been in the middle of June, when he had the assistance of a powerful French army and a powerful French fleet. If Sir Charles Napier was strong enough to carry on any great operations with the English fleet alone, of course the presence of the French fleet and army in the Baltic was unnecessary. At that time no great operations had been performed, and up to the present moment they remained unperformed; although Bomarsund had been destroyed, neither Cronstadt nor Sweaborg had been taken. In order to conduct operations of such magnitude with success, it was necessary that they should be undertaken with the greatest naval and military force that could be assembled; if they could be undertaken with a combined fleet, they ought not to be undertaken with a single fleet. Sir Charles Napier being unable, from the reason he had stated, to comply with the instructions of the Admiralty with regard to a second conference, did that which he thought was the next best thing—namely, called a council of his own admirals. It was held on the 19th of September, on board the *Duke of Wellington*, and was attended by Sir Charles Napier and three other admirals, two of whom had been present at the previous conference, while the third, Admiral Byam Martin, had not. These officers again took into consideration the plans for attacking Sweaborg, and again came unanimously to the conclusion that the season of the year was too late to justify such an operation. In the meantime Sir Charles Napier had been directed to make a reconnaissance of Sweaborg, and, having done so, he sent home a detailed plan for an attack on that fortress, which, if adopted, the gallant Admiral felt no doubt would be successful, provided it was put in force at the proper time. That very plan was being adopted at this very moment, but it was to be carried out under the direction of another Admiral.

On the 25th of September, Sir Charles Napier, having been left only with the English fleet, communicated his plan of attack to the Admiralty; and now came the point of difference between him and the Admiralty. He had repeatedly read that report; although he could not read it in detail to the House, the Government knew its contents, and many hon. Members probably had seen or would see it, and he thought it impossible for any one to read it without seeing that Sir Charles Napier submitted to the Admiralty two distinct plans of attack, one of which was very uncertain of success, and the other was certain of success. But, with regard to both of these plans, Sir Charles Napier expressed his opinion that they were not practicable at that season of the year, when the weather could not be depended upon for two hours together, and when he did not know how many ships might be lost. That opinion was expressed on the 25th of September by Admiral Sir Charles Napier, who up to that very point of time had been regarded as a man of the greatest ability and a most consummate naval commander, and whose whole proceedings had to that time received the most unqualified praise. He (Mr. Malins) appealed to the House whether justice to a public servant did not require, when he was sent out on a mission of such importance, that confidence should be placed in him; and, whether, when those who were intrusted with the command of our fleets and armies expressed an opinion as to the practicability or impracticability of any particular undertaking, confidence should not be placed in their discretion. If such confidence were not reposed in them, then he submitted that to leave those commanders still in possession of authority, and not instantly to recall them, was conduct on the part of the Government to the last degree imprudent, and fraught with danger to the nation. Well, there were two plans submitted by Sir Charles Napier to the Government, but with regard to both of which the intention of the gallant Admiral was that they should not be adopted that year, but either this year or the succeeding year. But the Government, instead of taking into consideration either of those plans, and forgetting the advice which the right hon. Baronet the Member for Carlisle had himself given to Sir Charles Napier, that he must be cautious, not risk the fleet, and not put wood against stone, adopted what he (Mr. Malins) must call the most imprudent of all plans—namely, the calling upon the Admiral to do that which at the proper time all would consider to be right, but the doing of which at an improper time all unprejudiced minds must hold to be wrong. The right hon. Gentleman and his colleagues at the Admiralty forgot that prudent course of conduct which they had enforced upon the attention of Sir Charles Napier. At the time the gallant Admiral was appointed to the command of the fleet, the only fear entertained by the Government was, that he would not act with sufficient prudence and caution. His gallantry was never questioned, but his discretion, it was apprehended, might be. It had turned out, however, that the gallant Admiral in all this matter had been more discreet and more sound-judging than the Government itself. He had acted upon that discretion, and had refrained from an enterprise which he knew to be, at that time, impracticable. It was this display of discretion and sound judgment on the part of the Admiral that was the cause of all the obloquy that had been thrown upon him, and which, instead of his coming home and being entertained by the right hon. Baronet the Member for Carlisle at a second feast at the Reform Club, had occasioned him to be received here only to be disgraced and discharged. Well, the Admiral having pointed out that neither of the plans was practicable at that season of the year, the Government, it appeared, about the 2nd of October, received information that Sebastopol had fallen. They believed it, and because they believed it, notwithstanding they had been told, in the middle of September, both by the French and English

Admirals, that the season was too late to make an attack upon Cronstadt, they expected Sir Charles Napier alone (the French fleet having already left the Baltic Sea) to commence operations against that fortress. What, after this, could the House think of the prudence of the Government? They had already had signal proof of the incapacity of the Government, that England, hitherto great, honoured, and proud of her position in the world, was reduced at this moment to a state in which he doubted whether any one could feel proud, until her character was retrieved, of saying he was an Englishman. ["Oh, oh!"] He heard some derisive cheers from the other side of the House, but he would repeat it, that, for want of judgment and for want of foresight in the plans adopted, and in the course pursued by the Government in the management of the war, no man could doubt that the character of England had been lowered in the eyes of the world. We did not know at present who was really to blame for all this, but he hoped the Committee whose proceedings had been made public mainly by the advice of the right hon. Baronet the Member for Carlisle, would enable us to discover to whom we were indebted for the disastrous expedition to the Crimea, in the month of September. As to the nature of that counsel, they need not speculate, for they had positive proof of the want of foresight and the want of wisdom in advising that expedition. The House had already expressed its sense on the subject by the vote it came to six weeks ago in appointing a Committee to inquire into the state of the Army before Sebastopol—a vote which resulted in the fall of the Government itself. The late Government did not hesitate to risk the army by sending it to the Crimea, and in the same way they would have risked the fleet, had it not been for the prudence and foresight of the Admiral. Well, then, he thought he had brought this clearly before the House; he said the Admiral was useless, unless he could be trusted—and if he could not be trusted, he ought not to have been appointed; but, according to their own showing, Sir Charles Napier was the fittest man they could find for the command, and they ought to have had confidence in his judgment and discretion; because it was confessed that between Russia and England there was nothing but the fleet for a protection, and if that fleet had been lost, either by bad navigation or by operations that could not hope to be successful, there was nothing to defend us against the aggressions of the Russian fleet. Surely, then, the Government, after receiving a report from the Admiral that the season of the year was passed for undertaking such operations, should have paused before they goaded on the Admiral to attempt them; but their misconduct had lost us the army, and they had resolved to lose us the navy, if the Admiral had been sufficiently pliable for their purpose. It was the prudence and foresight of the Admiral that averted the latter catastrophe; and the country owed that distinguished officer too deep a debt of gratitude to admit of its being tolerated that the truth of these transactions should be kept in the dark. The right hon. Baronet the Member for Carlisle told the House the other night that the Admiral had not been dismissed—that he had not been censured—and although the Admiral had proclaimed himself a hero, he could not allow him to proclaim himself a martyr. But it was not the Admiral who proclaimed himself a hero; it was the noble Lord the First Lord of the Treasury and the right hon. Baronet the Member for Carlisle who had proclaimed him a hero; and unless he was a hero, he was unfit for command. The best evidence that he was a hero was his being selected to command the fleet; and he could not understand how the right hon. Baronet could have come down to the House and said the Admiral had proclaimed himself a hero, and he would take care that he should not proclaim himself a martyr.

But to proceed with his narrative. The Admiral had a further complaint to make against the Government. He alleged that the Government, in replying to the letter in which he stated his plans of operation, had perverted his language, and had attributed to him a plan of operation which he never submitted for approval, and which had never entered into his mind. The Admiral pointed out to the Government that the season of the year was too late for undertaking any operation of magnitude; but, the Government being under the impression that Sebastopol had fallen, nothing would do for them but that something should be attempted in the Baltic. "We have taken Sebastopol," said they; "only let us take Cronstadt or Sweaborg, and the country will then be satisfied of what we have all along been satisfied with ourselves, namely, that so powerful a Ministry never existed before." But the

Admiral did not conform to their views—he could not consent to undertake an operation which the united Admirals of France and England had disapproved of at the time. Everybody knew that September in the Baltic was equivalent to November in England, and that October was like December. Besides, the navigation was the most dangerous in the world; there were such rocks and shoals that the fleet could not go about anywhere without buoying its course, and yet the Government actually wrote on the 4th of October directing the Admiral to attack Sweaborg, and on his writing home to say he could not depend upon the weather, the Government again wrote to him, saying, "You may choose your own day and opportunity." Here was the Government—the First Lord of the Admiralty and the other Lords of the Admiralty—no doubt the hon. and gallant Member for Gloucester (Admiral Berkeley) among them, and giving his advice—here were they, sitting at Whitehall, writing to a British Admiral in the Baltic Sea, telling him to carry on operations in that sea at the end of October, and saying to him, "You may choose your day and your opportunity!" This was not contained in a private letter, but in one sent from the Board of Admiralty to the Admiral. If such a thing had been read in a correspondence between men of business, it would be said that the man who could so forget the circumstances with which he had to deal must expect disaster and ruin if he wrote or stated that an operation which could only be carried on in fine weather must be effected in the winter season, and that a fine day could be chosen for the purpose. They further said that an attack might be made towards the end of October, they having already been told by Sir Charles Napier that the middle of September was too late. They said, "An attack may be made towards the end of October with the least danger of an attack from the Russians, from the Constadt portion of the fleet." And what were the grounds for this? Because it appeared that between the freezing in of Cronstadt and of Sweaborg there was an interval of twelve days. So the Admiral was to choose some fine morning during that fortnight, when a part of the Russian fleet was frozen in, to make an attack on the other portion of it. If this had been told him (Mr. Malins) from recollection he should scarcely have believed it; but when he read it in official correspondence, and found the names of the Secretary and two Lords of the Admiralty attached to it, there was no reason for doubt, and he must feel convinced. Such, then, had been the conduct of the Government with regard to this operation. Could it, then, be wondered at, when Sir Charles Napier had pledged his professional reputation that even the middle of September was too late—when, as he said, he was goaded on by the Government to undertake impossible, impracticable, and unsafe things, which, had he undertaken, he should, he felt, have left his fleet behind—was it to be wondered at that he felt himself obliged to write on the 10th of October, and state that, in consequence of this correspondence, he felt that he had lost the confidence of the Government, and that, if he had, he was ready to resign his command and return to this country? At the same time, he declared that no opinion which prevailed at home should induce him to undertake an operation that was impracticable or unsafe, as he had had the honour of England and the safety of the fleet committed to his charge. Now, all this would be clearly established if he (Mr. Malins) succeeded in his Motion and the correspondence was granted. It was conducted with consummate ability on both sides. That it should be conducted with ability on the side of the right hon. Baronet the Member for Carlisle was quite natural enough, but it was somewhat wonderful to find the gallant Admiral evincing ability of the highest order in the correspondence, and showing that he was just as capable of protecting himself with the pen as the nation believed he had protected her with the fleet. The correspondence was certainly rather an angry one; but he (Mr. Malins) could not find in it anything which would justify the Government in asserting that Sir Charles Napier had forgotten his duty; and if the Government had calmly and deliberately considered the circumstances, they would have come to this conclusion, that, in taking the course he had, Sir Charles Napier had not only refrained from claptrap undertakings to gain popularity, but he had taken a wide and comprehensive view of the circumstances, and exercised the power for which the Prime Minister and the right hon. Member for Carlisle had given him so much credit—namely, that of calculating so many moves beforehand; and that, instead of taking the first move suggested by the right hon. Gentleman, the gallant Admiral had calculated his moves beforehand, and had come to the conclusion that the move suggested was a false and dangerous one, and, therefore, he would not undertake it. As the Government had given the gallant Admiral credit for this power, they ought to have adhered to it on this occasion, and believed that he saw further than they could see for him; and, instead of treating him with contempt, they should have honoured him for his advice and for the manner in which he had refrained from acting on their imprudent instructions. This correspondence virtually ended in November—it continued from the 4th of October to the 6th or 10th of November—when he found the gallant Admiral confessing a desire that this correspondence which had been a source of so much anxiety to him should come to a termination. He (Mr. Malins) could not bring this part of the correspondence to a conclusion without reading an extract from a letter written on the 31st of October—he must beg the House to bear in mind that on the 25th of August, Bomarsund having fallen on the 8th of that month, the First Lord of the Admiralty wrote to Sir Charles Napier saying, "I am more than satisfied with all your proceedings." The House should bear in mind that Bomarsund had fallen on the 16th of August, and yet, notwithstanding that letter of the 25th of August, the letter of the 31st of October declared the Government to be dissatisfied with the Admiral for not having followed up the success of Bomarsund with an attack upon Cronstadt. The only true principle of carrying on war was this—if an army had to be commanded, to select a Commander in Chief; or, if a fleet was to be sent out, to name an Admiral, and to say, "There is your enemy; you know we desire him to be harassed and destroyed in every possible way; but the mode of the operations must be left to your discretion." In the present instance the Government departed from that principle in not only dictating the operations, but almost naming the day on which they were to be carried out. Why, what would be said to the Secretary at War if it were found that he had written to Lord Raglan to desire that he would take Sebastopol on the 1st of April next, or any other day? What would be said of a Government writing to a general to carry out a particular operation on a particular day, thereby setting aside the discretion of the general himself? Would not his answer be, "This is a matter which necessarily you cannot possibly know so much about as myself, but if you have not sufficient confidence in me or my discretion as to the mode and time of carrying out these operations, I beg you will relieve me of this command. I am perfectly ready to return home." Now, that was precisely the case of Sir Charles Napier. The Admiralty, after having expressed its approbation of Sir Charles Napier's conduct, and after having carried on a correspondence with him relative to the attack on Sweaborg, wrote to him on the 31st of October and stated, "We are fully satisfied with the reasons for not attacking the fortress as determined at that council; but, considering the conflict of authorities"—he must here state to the House that this conflict of authorities arose between General Jones, the English engineer, and General Niel, the French engineer, the former stating that it would take six or seven days to take the fortress, while the latter put it down at two hours—"but, considering the conflict of authorities contained in the reports recently brought before them, their Lordships cannot express equal satisfaction that steps were not taken to attack Sweaborg immediately after the fall of Bomarsund." Now, he appealed to the House whether any admiral receiving such a letter would not naturally feel that he had lost the confidence of his Government, and that his command was no longer satisfactory, especially as, up to the end of August, his entire proceedings had met with the approval of the Admiralty? That naturally produced great dissatisfaction in the mind of Sir Charles Napier, and the correspondence was virtually closed on the 10th of November. Sir Charles Napier returned to England, and arrived at Portsmouth on the 17th of December. As soon as the gallant Admiral could make preparations, he came up to London, and had an interview with the First Lord of the Admiralty, from whom, considering the terms on which they had parted, he thought the gallant Admiral might rely upon it that he would meet with a cordial reception on his return. Now, he (Mr. Malins) thought that the gallant Admiral might consider himself entitled to such a reception from what the right hon. Gentleman said only a month back in moving the Navy Estimates. So far from intimating any ground of dissatisfaction with the proceedings of the gallant Admiral, the right hon. Baronet, as lately as the 16th of February, having been asked, with regard to the expenditure for the navy, what had been done in the Baltic, made use of these words—

> "Now, I really must say that, on the whole, the operations in the Baltic, as they were conducted last year, appear to me to deserve the approbation of the House."

The operations of which he was speaking, be it remembered, were operations conducted under the command of Sir Charles Napier—

> "Bomarsund, a most important naval station, fortified strongly, and bearing marks of an intention to carry that system of fortification to a much greater extent, has been destroyed. The great naval arsenal close to the capital of the Emperor of Russia was visited by a force inferior to the force there stationed. Battle was repeatedly offered and as repeatedly declined. Up to last month Sweaborg, with nine sail of the line, was blockaded by an inferior force of frigates only. Never were operations more successful, displaying more gallantry, more discipline, than the operations in the Baltic. In that sea not a ship was lost, a most effective blockade was kept up—a blockade which displayed the energy, skill, and gallantry of English officers and men, and the pressure brought to bear upon the enemy was, I believe, by no means slight."—[3 *Hansard*, cxxxvi. 1481.]

So that the right hon. Gentleman, in moving the Navy Estimates only an hour after the question had been put to him by an hon. and gallant Officer on that side of the House as to what was the quarrel between Sir Charles Napier and the Government—the right hon. Gentleman repeated what the hon. and gallant Admiral the Member for Gloucester (Admiral Berkeley) had said a few nights before—that Sir Charles Napier had neither been recalled, dismissed, nor censured; but he thought he had now satisfied the House that that hon. and gallant Admiral must really have forgotten for a moment what had passed, for the House could entertain no doubt that Sir Charles Napier had been dismissed, and also that he had been censured. With respect to the gallant Admiral's interview with the First Lord of the Admiralty, of course, he had no written evidence, and could only rely upon the statement made to him by the gallant Admiral, which, he could have no doubt, was strictly accurate. He said that the gallant Admiral, having come home after carrying on those operations only a month before, as the right hon. Gentleman stated, to the entire satisfaction of the country, considering that he had not lost a ship, and had gone out with the fleet in but an indifferent state of discipline, and, remembering what had taken place at his departure, had a right to expect, if ever any man had, a courteous and cordial reception on his return. Yet the gallant Admiral assured him (Mr. Malins) that on going to the Admiralty he was received in a manner all but insulting by the right hon. Gentleman the Member for Carlisle, who did certainly hold out his hand coldly to him, but said at once that he declined having any conversation with him on the subject of the expedition. That was on the 22nd December; but he now proceeded to that which could admit of no doubt. The gallant Admiral returned to the *Duke of Wellington*, at Portsmouth, that night, where he next morning received a letter, signed "R. S. Dundas" and "W. F. Cowper," amounting to a dismissal from his command. It was dated the 22nd December, and was couched in the following terms:—

> "Sir—The Baltic fleet, on its return to port, being now separated in different harbours of Great Britain, and several of the ships which composed this fleet being under orders for service in the Black Sea and the Mediterranean, you are hereby required and directed to strike your flag and come on shore."

He had read to the House the whole of the letter. These were the kindly and encouraging terms in which the most distinguished naval officer of Great Britain was greeted on his return from a great public service, which he had conducted, as the right hon. Baronet (Sir J. Graham) himself admitted, to the entire satisfaction of the Government. That the gallant Officer should have been surprised, that he should have been more than surprised, that he should even have been disgusted at such treatment, the House would not wonder at. He wrote, but not immediately, for he had been so much taken by surprise that he required some time for consideration; but he wrote on the 25th December to the Secretary of the Admiralty, as follows:—

> "Sir—I have the honour to acknowledge the receipt of their Lordships' order, directing me to strike my flag; and with reference to the same, I request their Lordships will inform me whether I am to consider that my command is at an end."

This was speaking very distinctly to the Board of Admiralty. The House would observe that the letter of the 22nd was couched in terms which might be customary with the Admiralty—he did not know—all he could say was, that they were terms which he thought few of them would adopt even in dismissing a domestic servant. He was assured that it was contrary to all usage; he was assured that

Sir James Saumarez, when he had the command of the Baltic fleet in the last war, upon his return in consequence of the winter having set in and rendering it unsafe and impossible for him to remain there, had permission to be absent until the season should admit the resumption of operations. That was the manner in which any officer under similar circumstances had a right to expect to be treated; Sir Charles Napier had that right, and he thought the House would agree with him in one thing, that the letters of the Admiralty, like every other step taken in this war, came a little too late. They thought fit, in their reply, to tender some kind of thanks to Sir Charles Napier; he should have thought that the proper occasion would have been when the letter was written to the Admiral recalling the fleet —but no; proper things were never to be done at the proper times, and all was too late. The gallant Admiral's demand as to whether he was to consider this letter as insisting on the termination of his services was answered as follows:—

> "SIR—With reference to your letter of yesterday's date, I am commanded by the Lords Commissioners of the Admiralty to acquaint you that the order which you have received, agreeably to custom, to strike your flag and come on shore, is always given at the termination of a flag officer's command."

And yet the hon. and gallant Officer the Member for Gloucester (Admiral Berkeley) could come into that House two months afterwards and say that the gallant Admiral had neither been dismissed nor censured, and that was repeated a week afterwards by the right hon. Gentleman the Member for Carlisle. So that here was a great public officer, the commander in chief of the noblest fleet that England had ever sent forth, who had commanded that fleet to the entire satisfaction of the Government, and he believed of the nation, and who returned because operations could no longer be carried on, told in insulting terms to strike his flag and to come on shore—and when he asked whether he was to consider that the termination of his command, was reminded that this order was always issued on the termination of a flag officer's command. Now, he thought that, unless they were to give up the present mode of understanding the English language—unless this Government, which had introduced so many new things, had introduced also some new language to direct the operations of the war, the House would adhere to the construction he put upon the letter of the 22nd of December, as equivalent to a dismissal of Sir Charles Napier. Yet, having dismissed him without uttering a word of compliment to his services, or the services of those who had manned his ships, they thought fit—too late, as he had previously stated, for it was on the 26th of December—to attempt to repair the omission, for the letter went on to say—"and I am directed by my Lords to take this opportunity"—why not have taken that opportunity?—"to express to you the sense their Lordships entertain of your exertions during the period of your service in command of the Baltic fleet." Now, the House would, perhaps, remember a debate that took place on a memorable occasion—a debate in which he (Mr. Malins) had taken no part, though he would willingly have done so, but in which the hon. Gentleman the Secretary for the Admiralty had addressed the House. Whatever else might be inferred from the speech the hon. Gentleman then made, he saw one thing very plainly; that if the hon. Gentleman were not out of office, he expected very soon to be, for the hon. Gentleman reverted to his old habits and found fault with everything, declaring that the army had been mismanaged, and everything had been mismanaged, that nothing would ever come right until everything that had been done should be undone; but, added the hon. Gentleman, in a triumphant tone, nobody could find fault with anything done in regard to the fleet—everything was perfectly right in that department, and no one would be able to say a word against it. The hon. Gentleman probably did not know these things at that time, or, at all events, he must have supposed that the ban of secrecy could be kept upon this correspondence, and that, from an apprehension that the public service would be injured by divulging them, these things would be kept secret; for he thought if his mind adverted to this correspondence, the hon. Gentleman could not have anticipated so confidently that nobody could throw blame on what had been done at the Admiralty. That summary dismissal led again to a correspondence with which he did not intend to trouble the House in detail. He had limited his Motion to asking for the production of papers and correspondence which had taken place between Sir Charles Napier and the Board of Admiralty since the 20th of December. He had fixed that date, because it included the letter of the 22nd of December, and all the correspondence which had taken place subsequent to the gallant Admiral's dismissal from his command. He would, however, remind the House of what it had heard from the hon. and gallant Admiral the Member for Gloucester (Admiral Berkeley), who said he was sorry that Sir Charles Napier had shown so bad an example in making a speech at the Mansion House, contrary to all rules of discipline. He (Mr. Malins) had no desire to conduct this case otherwise than in a perfectly candid manner, or to express approbation where approbation could not be entertained. He thought that Sir Charles Napier had committed an error in making that speech, and going to the length to which he went; but it had been made the subject of comment that he had said he took the command of a fleet badly manned and worse disciplined, and some officers afterwards wrote to the papers to say that they were sure it could not be the Admiral's intention to cast censure on those who had served under him. Now, he found from the letters that passed two months before, that Sir Charles Napier was then remonstrating with the Government because they had not formally given their approbation to the officers serving under him, to whose exertions they were indebted for the safety of the fleet, to whom they were indebted for having brought back a disciplined fleet, after having taken out one that was undisciplined. Sir Charles Napier, in fact, in a letter written in January, reminded the Government that on the return of the French fleet from the Baltic, the Emperor, in his address to the Legislative Chamber, tendered his thanks to that fleet for its operations in the Baltic. Sir Charles Napier then said, reasonably enough, he was not aware that the services of the English fleet were less worthy of acknowledgment; he knew that great exertions had been made by every officer—he knew their great merits, and he regretted much that no thanks should have been tendered to them. What the gallant Admiral meant by saying he took the command of a fleet badly manned and worse disciplined, was not that the officers were incompetent—he stated in his correspondence there never had existed more gallant or more competent officers; but he had this difficulty to contend with, that not a single captain in the fleet had ever commanded in the Baltic previously. They were all unacquainted with the navigation—a difficulty enhanced a hundredfold by circumstances. There was also this additional difficulty, that, being so powerful a fleet, it had been manned hastily, and manned with those, several of whom were unable to go aloft; therefore it was "ill-disciplined," because the crews were collected together on a sudden, and "worse manned," because those crews were composed of men who were not sailors by occupation. Therefore, so far from Sir Charles Napier intending to cast any imputation upon the officers of the fleet, he had remonstrated with the Government for not tendering its thanks to those officers. He thought he had now shown the House that Sir Charles Napier had been dismissed from his command in December, and not only dismissed but censured, and in his conviction it was for the interests of the public service that such a transaction should be brought under the notice of Parliament. He trusted that, in doing so, the House would be of opinion he had not misconceived his duty as a Member of Parliament, but that he had succeeded in bringing the subject in a temperate and moderate manner before the House. He would not refrain, so long as he had the honour of a seat in that House, from expressing disapprobation of the proceedings of any Minister, when he thought disapprobation was deserved. He had ventured to express what he strongly felt—that the manner in which Sir Charles Napier had been treated by the Board of Admiralty, and consequently by the Government of which the noble Lord (Viscount Palmerston) was at the head, was unworthy of this great nation. He submitted to the House that it was incompatible with the public service of this country that its distinguished servants should be treated with neglect and injustice—that they should receive reproach and disgrace where honour and reward were due. It was also his conviction that it was absolutely essential to the public service that these transactions should not be kept in the dark, but that the facts should be brought to light, in order that Parliament might judge as to their propriety. As the right hon. Baronet the Member for Carlisle had told them in the admirable speech he delivered on the question, whether the Committee now sitting should be open or secret, public reputations were not to be sacrificed in a Secret Committee sitting in No. 17. He cordially adopted the principle of the right hon. Gentleman, that the reputations of our generals and admirals were dear to the country, that they were the property of the country, and that an insult to them was an insult to every member of the community. It was upon their skill and courage that we must rely for our defence, and if we could not find men worthy to command our fleets and armies, then England would indeed be reduced to a miserable condition. If, when we had found such men, and when the Government of the day proclaimed to us that we had found the most fitting man—if, because the First Lord of the Admiralty took a view that was not in accordance with that of the commander of the fleet, the admiral was to be received on his return with ignominy, there was an end to all security for the efficient performance of the public service. When he found, therefore, that no other Member of the House was disposed to bring this matter under their consideration, he had felt it his duty not to shrink from bringing it forward, believing, as he did, that to keep such transactions in the dark would be attended with the greatest possible detriment to the public service in general.

SIR THOMAS HERBERT: In seconding the Motion of the hon. and learned Member for Wallingford, and as a personal friend of Sir Charles Napier, and one who has served under him on many trying occasions, I must beg to trouble the House with a few words on the question now before them. The hon. and gallant Admiral the Member for Gloucester told the House, a few evenings ago, that Sir Charles Napier was not dismissed from his command. Technically speaking, he certainly was not; but he was removed from his command by ordering him to haul down his flag, and, to my mind, in a most discourteous manner, unaccompanied as the order was by a single complimentary expression in commendation of the gallant Admiral's management of the fleet while under his orders. Although I cannot approve of after-dinner speeches like the gallant Admiral's at the Mansion House, yet, after all, Sir Charles Napier's eminent services —many of them most brilliant, and such as to have called forth the admiration of such men as Lord Exmouth, Sir Alexander Cochrane, Sir Robert Stopford, Sir James Gordon, and other distinguished officers—I have too much respect for my gallant friend, who was once my commander during some trying occurrences, not to hope that his statement will prove to be correct, and that he will stand well with his countrymen. With regard to the gallant Admiral's conduct in the Baltic, I do not think that he could have done more with the force at his disposal than he did, and I firmly believe that it is to his cool judgment and wise discretion the country is indebted for the safe return home of our fleet; for had Sir Charles Napier been induced to have attacked either Cronstadt or Sweaborg without the co-operation of a large land force, and the assistance of mortar-vessels and gun-boats of an easy draft of water—a force which appears to have been entirely neglected attaching to the fleet last year—my conviction is that the attack would have failed, and that his ships most likely would have been all disabled. Can the eulogium pronounced upon Sir Charles Napier by the right hon. Baronet the Member for Carlisle, at the memorable banquet at the Reform Club, ever be forgotten? There the right hon. Baronet not only congratulated the club on so thorough a Reformer having the command of a fleet, but added that his confidence in him was so great that he had his (the First Lord of the Admiralty's) authority to declare war, if he thought fit, upon his arrival in the Baltic. Now, what has all this boasting and confidence come to? That the right hon. Baronet and the gallant Admiral have fallen out; the Admiral has been dismissed by the First Lord of the Admiralty from his command, and their unfortunate misunderstanding I much regret, as being prejudicial to the public service, particularly to the discipline of the naval branch of it. However, the gallant Admiral in common fairness ought to have an opportunity, somewhere, of vindicating his character. I have not seen any of Sir Charles Napier's correspondence with the right hon. Baronet opposite; but if the correspondence asked for is refused to be produced merely on the score of being of a private character, it certainly does not come well from an Admiralty who made such liberal use of private and confidential correspondence in the inquiry into Mr. Stafford's dockyard appointments to refuse it.

Motion made, and Question proposed—

"That there be laid before this House a Copy of any Correspondence which has passed between the Board of Admiralty and any Member of Her Majesty's Government, and Sir Charles Napier, since the 20th day of December last."

SIR JAMES GRAHAM: Sir, I have great pleasure in assuring the House that it will not be necessary for me, in answering the hon. and learned Gentleman, to detain them for anything like the length of time he has occupied in opening his case. For, Sir, I have not come down here prepared to read extracts from public despatches not presented to Parliament, and much less do I come here prepared with garbled extracts from private and confidential letters. Much less still am I prepared to enter into the details of private conversations. I have not the advantage of holding in my hand anything like that brief of a confidential nature which has been circulated among certain Members of this House. But at the very outset of what I have to address to the House, I shall just refer to the passage with which the hon. and learned Member concluded his speech, when he said he was anxious to vindicate the honour of this country. Now, Sir, I am not devoid of a desire to vindicate the honour of this country, and I heard the hon. and learned Gentleman with the deepest regret say, as I understood him, that the honour of this country, which was so dear to him, had been lost by the disasters which had befallen our arms. Now, Sir, whether I look to the Black Sea or the Baltic, as to what concerns the navy, I am satisfied that the honour of this country has been maintained; and as regards our army, I know that all is not lost. The honour of that army and the honour of this country, are, as I believe, still intact. We have never met the enemy on any one occasion in which our arms have not been victorious; and whatever the sufferings of our troops may have been, their exemplary patience, their gallantry, their good conduct, far exceed all my powers of praise; and in the presence of this House I am glad to declare that the honour of our arms still remains unstained. Sir, the hon. and learned Gentleman has commented upon an expression used by my noble Friend at the head of the Government on an occasion to which he delights in referring—that the highest proof of sagacity lies in looking several moves ahead. Now, I must plead guilty to a great want of sagacity, for the moves made by the hon. and learned Gentleman on this occasion were not foreseen by me. I certainly did not anticipate that he would have thought it consistent with his duty to read extracts from despatches in his possession—despatches which he says have been submitted to him—public despatches of the highest possible importance, which the Government of this country has not yet been asked by the House of Commons to produce, and with regard to which it remains to be seen whether,

when they are asked for, they will think it consistent with their duty to the public to advise the House to sanction their production. Their discretion will be exercised by them; what is due to myself, I will shortly endeavour to state to the House. The hon. and learned Gentleman talks of the introduction of new things. Is there anything more new, Sir—with all your experience in that chair, have you seen or heard of anything so unexampled as the course pursued by the hon. and learned Gentleman? He has culled from private letters, without the consent of the writers of those letters, such extracts as, to use his own words, would maintain the view he takes of this case. Now, Sir, if there is to be any production of these letters, let it be complete and entire. But, until that production shall have taken place, I trust the House will not form any opinion from those extracts which the hon. and learned Gentleman has carefully selected, in order to support the view he takes of this matter. I said I did not expect the moves that have taken place. Had I been asked before this night whether I thought the day would come when Sir Charles Napier would put his case into the hands of a lawyer, sitting upon the opposite side of the House—would appear as plaintiff in a case charging the Government of which my noble Friend the Member for Tiverton is the head, with having treated him, as the hon. and learned Member alleges, with insult and contumely—I confess to you that nothing further from my anticipations could possibly have occurred. But there is another part of the conduct of the hon. and learned Gentleman which has also surprised me. He referred to the dinner which took place at the Reform Club, for which, as I have before said, I have done penance on the floor of this House. I have already stated that I then committed an error which I was not prepared to repeat. No doubt, on the occasion which has been referred to, I said that if there was a banquet in honour of the return of Sir Charles Napier from the Baltic, and I was invited to attend it, I should be prepared to do so in order to celebrate the brilliant successes which were then anticipated. Well, the gallant Admiral has returned; his services are ended, and I have received no such invitation; and had I received that invitation, the punishment to which I have referred was so severe, and I was so conscious of the indiscretion that I committed, that I know not whether I should have accepted it. Happily I have not been put to the test. It is true I stated on that occasion that I had the greatest opinion of the proved and distinguished valour of Sir Charles Napier, and I added that I thought he was also discreet. He has confirmed that opinion. Discretion, the better part of valour, has not been wanting. He has proved himself that consummate Admiral whom I praised both for valour and discreetness. I shall only say, in answer to another comment made by the hon. and learned Gentleman who, in order to vindicate himself for the production of private letters, alluded to the proceedings before a particular Committee of this House in which I was a party concerned; but that was a tribunal of a judicial character, and it was the order of the House that persons, papers, and records should be produced before that Committee. I think the House will perceive the difference between the production of documents before a judicial Committee sanctioned by the authority of this House, and the production of documents, such as the hon. and learned Gentleman has used to-night—partially, and, as I should say, most unfairly—in the absence of any appeal to the authority of the House to say whether it is consistent with the duty of the Government and the public interests at stake, that the whole or any part of them should be produced. Now, Sir, the hon. and learned Gentleman has said, and quite correctly, that "on the whole" the conduct of Sir Charles Napier in reference to the command of the Fleet up to the 24th of September was approved by the Government. I have never contradicted that assertion. "On the whole"—the very term used in the letter which he quoted—"on the whole" the Board of Admiralty did approve the conduct of Sir Charles Napier with reference to the command of the fleet under him. It is generally believed that a good workman does not quarrel with his tools; nevertheless it is true that the gallant Admiral—not at the Mansion House, but in an official letter to the Admiralty—did state that the fleet was ill-manned, and that it was unfit to meet the enemy. On the receipt of that letter, the Admiralty called on the gallant Admiral to state the specific ships to which he applied that remark, and when so called on, he failed to specify a single ship. I do certainly, Sir, maintain that the discretion exercised by Sir Charles Napier, in reference to attacks with an inferior force upon fortresses was, in the terms of my private letter, "a wise discretion." I have never quarrelled with the exercise of that discretion, and had he adhered to his assertion made early in May and repeated in July, that Sweaborg was unassailable either by land or sea, no one word of hesitation with respect to the prudence exercised by him, either in writing or in speech, would have fallen from me. It is quite true that, on the 24th of September, when he, for the first time, reconnoitred Sweaborg close at hand, he did write to the Admiralty a despatch upon which I shall not further dwell, because I do not think it consistent with my duty to enter into the details of that despatch, which appeared to the Board and to myself materially to alter the aspect of the case. It is said by the hon. and learned Member that the appliances necessary for that attack, as contemplated by Sir Charles Napier on the 24th of September, were not sent by the Admiralty. But on the 12th of May the gallant Admiral said that this particular fortress was unassailable either by land or sea, and, relying on the judgment of the gallant Admiral, the Board of Admiralty thought it of no practical use to send further appliances for the purpose of an assault declared by the gallant Admiral to be impossible. It is also certain, as stated by the hon. and learned Gentleman, that a difference of opinion did arise between naval and military officers of the highest authority—between the naval officers and General Jones commanding the Engineers on the one hand, and between the Admirals and the French Generals on the other. Into that difference of opinion I am sure the House will not expect me to enter, because it bears directly upon naval operations which have only been suspended for a short period, and are now about to be resumed. The hon. and learned Gentleman says he has looked at these papers carefully. He is an equity lawyer. What does he think of the justice of a proceeding which calls upon me to defend myself with my hands tied behind my back, when, without a breach of duty, I cannot produce this correspondence, or even refer to it? I have felt my sense of duty so strongly, that I have not brought a paper down with me. I have only seen a paper, prepared *ex parte*, and marked "confidential," containing extracts from both public and private despatches, which has been circulated among hon. Members near me.

And yet this equity lawyer, who is so fond of fair play, after conning his case, and speaking from a brief, comes down and makes an attack which he expects me to answer when I have not the materials, and when a sense of public duty, even if I had them, would absolutely forbid me to use them. It is quite true that the letter of Sir Charles Napier, of the 24th of September, with reference to the attack on Sweaborg, did present to the Board of Admiralty an entirely different view of the subject from that contained in his former communications. It then appeared perfectly clear to them, even on the showing of Sir Charles Napier himself, that it was perfectly possible, if the whole force then in the Baltic was reunited, to make an attack by the naval force alone on Sweaborg; the departure both of the English and French fleets was accordingly arrested. And then the hon. and learned Member has not thought it unworthy to assign a motive for the instructions sent out on the 4th of October. He said that accounts had then been received of the supposed fall of Sebastopol, and that, acting under the influence of the excitement which then prevailed, the Board of Admiralty varied their instructions, and gave orders entirely different from what they had given before. Now, Sir, I give the most positive denial to that statement. The new orders to which he has referred were sent out on the day after we received Sir Charles Napier's letter of the 24th of September, and if the hon. and learned Gentleman will look at the close of the despatch of the 4th of October, I think that he will see that Sir Charles Napier was told that he must make no desperate attack; and that whether he should attack or not was left entirely to his own discretion. Warning was given him that if the means placed at his disposal were adequate, the country had a right to expect that every thing that valour could do should be attempted; but that the decision as to the course which should be taken rested entirely with himself. If that passage is in the despatch, and I believe that it is there, I must say that I think the hon. and learned Gentleman has been guilty of a want of fairness and candour towards the Government in not reading it. Something has been said with respect to an assertion made both by myself and my hon. and gallant Friend the Member for Gloucester, that Admiral Napier had neither been censured nor dismissed from the command of the fleet. It is quite true that "on the whole" the Admiralty had no ground for censuring Sir Charles Napier for his conduct in the command of the fleet, but it is not true that the Board of Admiralty did not censure certain acts of Sir Charles Napier with reference to the authority of the Government. On the contrary, they had more than once to warn the gallant Admiral that the language and tone he assumed towards the authority under which he served did not appear consistent with the subordination and deference due to the supreme authority under which he was serving. Then, as to his alleged dismissal. It is quite certain that Admirals, having performed similar services in the Baltic, have received similar orders at the end of the autumn so to strike their flags. Admiral Hope, who commanded in the Baltic in 1812, was, on his return, ordered to strike his flag. It does not, however, follow that, when an Admiral is ordered to strike his flag, he may not be ordered to rehoist it. It rests with the authorities to decide whether the conduct of the officer in that command has been such as to entitle him to the renewal of their confidence. And I do not think that it will redound to the efficiency of the service, or be conducive to good discipline, or have a happy effect on our forces, whether by sea or land, if this House should sit in judgment whether it is right that, at the termination of a naval campaign, the Board of Admiralty should again employ a particular officer or not. It is quite clear that Sir Charles Napier, on the 24th of September, in writing this despatch with reference to future operations before Sweaborg, did take a course which ensured him the command in the Baltic if that plan was adopted. But it was for the Executive to determine whether, having regard to the whole conduct of the gallant Admiral, it was desirable or advisable to reappoint him. Well, Sir, I have had the honour of knowing Sir Charles Napier for a long period. I have the greatest admiration of the gallantry he has displayed on many trying occasions. These are not empty words. On my own responsibility, in the year 1853, I awarded to him a good-service pension, as a mark of the respect of the Admiralty for his past services. But I should be altogether unworthy of my place in this House, and of the office which I lately had the honour to fill, if I did not say that the tone, from a very early period, taken by Admiral Napier in commenting on his instructions was turbulent and insubordinate, and assumed a character which, I should say, was altogether inconsistent with his duty to the Admiralty, and that if the Admiralty had tamely submitted to it, and ordered him to rehoist his flag, it would have set the worst possible example to the service. I have told you now, without disguise, the exact truth of this matter. I have not a particle of unkind feeling towards Sir Charles Napier; on the contrary, I very much regret what has occurred, but again I say, I think it will be a great misfortune if the Executive Government consent to the production of this correspondence. Certainly, Sir, if I doubted before whether it was right again to appoint Sir Charles Napier to the command of the Baltic fleet, the course he has taken since he was ordered to strike his flag, in addition to the language to which I have before adverted—his not having hesitated, when he was angry with myself and the Board under which he was serving, to produce documents of the most confidential nature, not among his intimate friends alone—certainly not among his brother officers, for not a naval officer has yet come forward to bring this case of undue oppression on the part of the Government before the House—but to go to the opponents of the Government in the hope of raising an adverse party feeling—all this, I say, is an additional confirmation to me in my opinion that the reappointment of that officer would not have been for the interests of the public service. I certainly did not hear all that fell from the hon. and gallant Admiral the Member for Dartmouth, who seconded this Motion, and I do not know, therefore, whether he is prepared to support the course taken by Sir Charles Napier with reference to the authorities under whom he was serving. If he is prepared to support that course, I must say I am glad I did not hear what fell from him, because it would in some degree have diminished the respect for his authority which his high character has always induced me to entertain. Upon the whole, I shall leave this matter in the hands of the Government; they will decide whether this correspondence shall be produced or not; but never in my life was I more astonished at the course pursued by any hon. Member than I have been at that taken by the hon. and learned Member for Wallingford. The hon. and learned Gentleman deems it consistent with his dignity to act as squire on this occasion to this knight-errant tilting against authority; and I am exceedingly glad that the post has not been undertaken by any Member of the naval profession. As for the equity and love of justice on which the hon. and learned Member prides himself, the mode which he has adopted of displaying these virtues may be very good practice in the courts of law, but I am very much mistaken if it will succeed or be sanctioned for one moment in the House of Commons.

ADMIRAL WALCOTT: Sir, before troubling the House with the few remarks which I have to make on this subject, I beg to assure them that I have not read anything connected with the matter. It is true that this afternoon Admiral Sir Charles Napier brought me a paper stating that it contained his case as it was to be brought before the House. I took it from his hands without reply; but, in walking down to the House, I formed an opinion that I ought not to read it, and I have not done so. Some few days ago, also, Admiral Napier came to me stating that his case was to be brought before the House, and hoping that I would give that assistance to a brother officer which his case might seem to me to deserve. I told him that I did not wish to enter then into any discussion on the subject, but that I would be in my place when it came forward, and if any opportunity offered of vindicating the character of a brother officer I was the man to do it. I must say that I very much regret that Sir Charles Napier should have allowed himself so far to be led away as to enter into a vindication of his conduct at a civic banquet, more especially as he had then demanded a court-martial from the Admiralty, and had the expectation of being able to submit his conduct to the judgment of a tribunal composed of members of his own profession. Moreover, with his experience of this House, he ought to have known that if he had a clear and fair case, this body of Englishmen representing the country, would never have failed to give a man of his station and responsibility that fair and patient hearing and that unbiassed verdict which his case should entitle him to. If these papers are produced I shall go into them with the most sincere desire to see the fullest justice done to all parties. Now, Sir, there can be no doubt that there does exist in this country a very strong feeling that our success in the Baltic has not been equal to the just expectations which were entertained, nor commensurate with the strength of that magnificent fleet which was sent out. It is of the greatest importance that the country should know the reason of this. In the first place, the observation of Admiral Napier, as to his fleet not being well manned, is undoubtedly correct; and seeing the country was called on, at a moment's notice almost, to send out so large a number of ships, it was almost impossible that they could all have been well manned. It was a moral impossibility to have got a sufficient number of seamen; and the Admiralty, therefore, had nothing left but to do that which they did. The ships did go to sea ill-manned, but the vigorous and indefatigable exertions of the captains and officers did produce such an effect that, by the time the frost broke up in the upper part of the Baltic, the fleet was perfectly ready to cope with the enemy, if he had ventured to come out. Another cause of the shortcomings of the fleet was the deficiency in praams and gunboats of light draught of water. Were I not forbidden from entering at length into this particular point by the reflection that another fleet is now fitting out, I think I could show that the reason why the fleet did not do all that was expected from it was, that it had not the means at its disposal for doing it. Then, again, the country is wedded to the idea that wooden walls are fit to cope with granite walls. Now, I maintain that they are not, and that it is expecting more from ships than they are able to perform. Certainly Admiral Chads, after Bomarsund was taken, made some experiments on the walls, pouring in heavy broadside after broadside upon them, and he reported to the Admiralty, I am told, that he had acted very efficiently upon them; but I should like to know whether his practice would have been so successful had those walls been manned, and had they been replying to him with red hot shot? Then, there is Gibraltar; but I do not know that ships had any great success there. At Algiers, the truth is, the Dey was so "cursedly" afraid that he let the ships come into the harbour and take up their positions without ever firing a shot at them. Had he done so, I doubt very much whether Lord Exmouth would ever have got in. However, he did get in, and put a division of ships under the batteries in such a position that the guns could not be depressed to bear on them; but Admiral Milne, of whose gallantry I wish to speak in the highest terms, was not able to take a similar position, and in his ships, which were some few fathoms further off from the shore, and on which consequently the guns in the batteries could be brought to bear, there was great loss of life. Well, then, we now come to what took place at Sebastopol. What happened there? At that place we had a fine fleet of our own acting in conjunction with an equally fine fleet of our allies, and those fleets went in with a courage unexampled, and with a spirit that excites my highest admiration; they did all that could be done, but that all was simply nothing, except getting 600 men killed or wounded, and some of the ships so disabled as to be next to useless. Attacks of this hazardous description might possibly succeed, and a somewhat similar attack, under Nelson, who was for ever looking a-head and never a-stern, who cared nothing about losing his commission, and who thought of nothing but honour and glory, did succeed; and, indeed, it is not impossible for a fleet to run into Sebastopol, or into any port, provided there be a sufficient depth of water; but the chances are 100 to one against success if the attempt be made in such like instances. There is no commander-in-chief who, knowing the disastrous consequences which must ensue from the loss of his fleet, would, if he acted with prudence and discretion, attempt such an undertaking; and therefore I think that Sir Charles Napier, as far as I can judge, humble as is my opinion—and humble it is evidently considered, for to my prejudice I am unjustly placed on the reserved list—exercised a sound and wise discretion, and fulfilled his duty to his country in not exposing his fleet to be unnecessarily crippled; but is it nothing that the fleet in the Baltic crippled Russian commerce, insulted its coasts, commanded its waters, and confined its boasted navy within its harbours? I entirely agree with the right hon. Baronet opposite (Sir J. Graham) that either all the papers should be produced or none, but as to whether the production of them would be injurious to the public service I can, of course, form no opinion, because I have not read them. The right hon. Gentleman has read them, and I am content to take his opinion on the subject. I wish, however, to state that I am sure that the hon. and learned Gentleman below me would not have brought the subject before the House unless he had been actuated by a sense of justice. He has undertaken the subject in no party spirit. [*Cheers.*] I am convinced that such is the case, for I have talked with the hon. and learned Gentleman upon the subject. I come now to another point. It has been said that Sir Charles Napier, on his return from the Baltic, received a letter which ran somewhat to this effect—"Sir, I am commanded by the Board of Admiralty to order you to strike your flag and come on shore." Well, this is a curt way of doing a thing; but the Admiralty, I must say, deals in curt ways. I cannot say that that letter should be considered as a censure upon Sir Charles Napier, or that it amounted to dismissing him from his command, because it was in conformity with ordinary practice. Sir James Saumarez, at one time, was ordered to strike his flag; but then it was intended to reinstate him in his command. Now, in the present instance, as far as I can judge, there was not the slightest intention of reappointing Sir Charles Napier to the command of the Baltic fleet, and, although I cannot complain of the order conveyed to Sir Charles Napier to strike his flag, I still think that, as two days afterwards a just tribute was paid to that gallant admiral's conduct, it would have been as well that that mark of approbation, which appears to me to have been elicited by Sir Charles Napier's letter, should have been conveyed to him at the same time as the order to strike his flag. I think it would have been a fair compliment to a gallant and meritorious officer if the Government, as conservators of the public good faith, had, in ordering Sir Charles Napier to strike his flag, conveyed to him that expression of approval to which two days afterwards they gave vent. With regard to the future, thank God, we have a magnificent fleet at Spithead prepared to go to the Baltic, which possesses an advantage over that of last year in having an adequate supply of gunboats, and I entertain no doubt that it will achieve some brilliant success, but, at all events, let the House and let the country be persuaded that all that British officers and British seamen can do will be accomplished.

SIR CHARLES WOOD: I consider it is necessary, Sir, for me to state, and I shall do so as shortly as possible, the course which the Government think it right to adopt with reference to the question now before the House. I do not think it advisable to advert in the slightest degree to the various topics which have been introduced into the discussion, for in the whole of my experience I have never witnessed a course pursued similar to that which has been adopted on the present occasion; and I feel persuaded that the House will not sanction such a course by any symptom of approbation. Certainly, I have never before known such a course pursued, and I think that the House will not sanction the quoting of extracts from private letters and official reports not properly before the House, and relating to operations which may be repeated. I will only protest in the strongest terms I can use against such a course, as for the first time in my experience, and I believe in the experience of the oldest Member present, has been tonight pursued in this House. My right hon. Friend (Sir J. Graham) has said that it rests with the Executive Government to say whether the papers now moved for shall be produced, and I at once say that it seems to me utterly impossible, consistently with the interests of the public service, that those papers should be produced. I, of course, have seen those letters, and I may inform the House that in them are discussed such topics as the means, the possibility, and the mode of attacking certain fortresses in the Baltic. The hon. and gallant Admiral who has last addressed us has stated that a fleet is about to proceed to that sea; and he has also said that he entertains no doubt that everything will be done which can possibly be accomplished. I also entertain the most confident expectation, that whatever can be done, consistently with a prudent discretion, will be accomplished; but I appeal to the House whether the production of letters referring even to the mode of attack upon the fortresses in the Baltic can possibly conduce to the success of that expedition? I feel that the simple statement which I have made is the strongest argument I can use against the production of these letters, and the strongest proof that it is the duty of the Government to resist their production. I feel that, after having made that statement, it will be the unanimous feeling of this House that the production of those letters would not be for the good of the public service. I should be at a loss for any argument in support of this opinion, for the case is self-evident; and I can only repeat that I feel it to be quite inconsistent with my duty to the public to agree to the production of the papers moved for by the hon. and learned Gentleman.

CAPTAIN SCOBELL said, he hoped the House would allow an officer who was engaged in the last war to say a few words. The reputation of a gallant officer was at stake; and he could wish that his reputation had stood as high at the end of the Baltic campaign as it did at its commencement. Sir Charles Napier left this country under every disadvantage. There had been a naval review, a sham fight, and a reform dinner, at which he was lauded with all the praise that could be applied to a gallant officer; and after these he was sent forth with the expectation of the country that he would do more than it was in fact possible for him or in fact any one else to do. That many of the ships were badly manned, the right hon. Baronet the late First Lord of the Admiralty had not attempted to deny. With respect to the possibility of his performing what was expected of him, it seemed that two engineer officers attached to the expedition differed. Had they coincided in opinion, it would have been almost impossible to stand against them; but one had one plan, and the other another, and the Admirals disapproved of both. Though he scarcely knew Sir Charles Napier personally, he must say that his ears had tingled at certain expressions in some of the papers which they had heard read that night. He could not avoid saying, that he thought there had been something of harshness towards the gallant Admiral. If he was to be removed from his command, the thing should have been done with more consideration and courtesy: that would have been more creditable at all events to those who dismissed him. He gathered from what he had heard, that Sir Charles Napier had a plan of his own, which he was willing to carry out; but the Lords of the Admiralty, sitting in their arm-chairs, thought they knew best how to deal out destruction to the enemy, and sent him their plan; and if Sir Charles Napier considered that plan dangerous, he was perfectly justified—he would not say in remonstrating in improper terms—but in taking upon himself the responsibility of not carrying it out. What was the great evil at Balaklava? That no one was properly responsible. They would have had another Balaklava had the fleet attempted to force its way into the Russian ports in the Baltic. The ships might perhaps have got in, but many of them would never have come out. There was one expression used by the right hon. Baronet (Sir J. Graham) with reference to Sir Charles Napier, which he (Captain Scobell) thought he ought to recall. He referred to the use of the saying, "discretion is the better part of valour." They all knew what that meant. Though he (Captain Scobell) did not know Sir Charles Napier himself, he well knew his career, and he maintained that considering the opportunities which he had had, that career would compare with that of any man who ever held command under Her Majesty; and as the right hon. Baronet had given him a slur on that point on which no officer could bear a slur, he hoped he would rise in his place and say that he did not mean to impeach the gallant Admiral's valour by attributing too much discretion to him. He would also observe that the right hon. Baronet fell into error in speaking of Admiral Hope as having hauled down his flag. Having been in the fleet referred to, he was able to state that the admiral's flag was not hauled down. As regarded the correspondence of the Admiralty, he could produce letters written many years ago which were very curt; and, though he would not call the Board an arbitrary one, he must say it was a Board which required more watching than almost any other Government department.

SIR JAMES GRAHAM: Sir, I am extremely obliged to the hon. and gallant Gentleman for having called my attention to the expression which he has referred to. If that expression, with reference to the discretion of Sir Charles Napier, can bear the interpretation which my hon. and gallant Friend has put upon it—and naval officers are rightly sensitive upon these points—I most willingly retract the expression, as it was not intended to convey any such imputation. Far from it. It would be an absurdity to raise such an imputation, for the entire life of the gallant Admiral falsifies it.

MR. MILNER GIBSON: Sir, the right hon. Gentleman (Sir J. Graham), in his reply to the hon. and learned Gentleman opposite (Mr. Malins), made some rather caustic observations relative to this question being brought under the notice of the House by a lawyer. I think, Sir, the experience of the right hon. Gentleman as First Lord of the Admiralty will suggest to his mind some very good reasons why naval officers should not put themselves prominently forward in disputes between the Board of Admiralty and those whom they employ. I quite agree that it is unreasonable to revive any more the old dinner at the Reform Club, and think it was unnecessary for the hon. and learned Gentleman opposite even to tell us of the dinner at the Mansion House. I am willing to pair off the dinner at the Mansion House with the dinner at the Reform Club, for in that respect I think the belligerents stand upon an equal footing. With regard to papers having been garbled, private letters quoted from, and public documents of great importance brought before this House without having been previously laid upon the table by the authority of the Government, all I have to say is, that the Motion before us is for papers, and when an hon. Member submits a Motion questioning the conduct of the Executive Government, he must make out a *primâ facie* case; and for that purpose what can he refer to but documents? Does the right hon. Baronet dispute the accuracy of the quotations made by the hon. and learned Member opposite? No, he does not; but he questions the propriety of introducing such extracts, and I must say that he has shown a remarkable "discretion" in declining to go into those public papers, and to meet the quotations of the hon. and learned Member for Wallingford. I could not collect exactly what the present First Lord of the Admiralty said. I have been accustomed latterly to sit a good way from the Treasury bench, and now I am more distant than ever, but I understood the right hon. Gentleman to commence his speech by stating that he did not intend to advert to the subject immediately under discussion, but would say generally that the production of the papers in question was inconvenient to the public interests. Well, that is what I deem a curt reply. Now, Sir, I wish to know whether it is not possible to produce papers sufficient to throw light upon the matter as regards Sir Charles Napier's complaints, and yet not injure the public interests, by furnishing us with such extracts as may be necessary for the first purpose, but withholding, in accordance with the common practice, those parts that are likely to prove prejudicial to the interests of the country? Nothing is so common. No correspondence from the Foreign Office—no public document whatever—is moved for in this House except with a complete understanding that only extracts should be produced if any portion of such correspondence is injurious to the public interests. I certainly think that a similar rule might be followed in this case, and when we remember that the correspondence moved for dates only from the 20th of December, when Sir Charles Napier hauled down his flag, and therefore does not so immediately relate to the operations in the Baltic, that seems to be an additional reason why we should not have any difficulty in agreeing to the production of that correspondence. But what is the position of Sir Charles Napier? Has, I will ask, a naval officer no redress in this country? He has been, say what you please, censured by the Admiralty. It is understood by the country at large that the Government is not satisfied with his conduct. He now demands inquiry. He has assuredly a right to demand it, in justice to his own reputation. He goes in a proper way to the right hon. Gentleman the Member for Carlisle, and asks for a court martial. It is refused. He next goes to the Prime Minister of the late, and also, I believe, to the Prime Minister of the present Government, and asks for inquiry. He is answered that there is no case for investigation. What resource, then, is there left to him but to come here? I ask, are we, the representatives of the interests and honour of England—if a public servant comes to us and tells us that he has made application in vain to the proper authorities, and has used without effect the legitimate means of redress, and that he only comes to us as a last resource, are we to turn upon him and say, "We will grant you no redress—we will look into no papers; it is very inconvenient to the country to interfere between the Executive and the officers whom it employs"? It appears that we cannot take such a course if we wish to discharge the duty which undoubtedly devolves upon us, to see not only that the Executive is fairly dealt with by its officers, but also that the public servants are fairly treated with by the Executive. There is such a thing, when great expectations have been excited, and when public disappointment follows the want of success, as shifting responsibility upon the public servants, and escaping from that fair share of blame which the Executive ought to bear. It is for us independent Members of Parliament to take care that unfortunate Administrations do not victimise with which he found himself placed in so painful a position. He had long since formed a friendship with Sir Charles Napier — a friendship which had been cemented by the services in which he had been associated with that gallant admiral, under whose command he had constantly been. He entertained the highest opinion of Sir Charles Napier's valour, and of his knowledge of war, and he esteemed the gallant officer as his friend. He did therefore feel that he stood in a painful position when it became his duty, as one of the Lords of the Admiralty, to find fault with and to condemn the conduct of that friend, and it was a duty which he would gladly have been spared the pain of undertaking. In the course of the discussion, private documents and public despatches had been referred to, and if he (Admiral Berkeley) had conceived it possible that private letters could have been brought forward in such a manner in that House, without the sanction of the writers, he would have come down prepared with those documents. It appeared to him that an attack had been made rather upon the late First Lord of the Admiralty (Sir J. Graham) than upon the Board generally. He (Admiral Berkeley) had not only been consulted by the right hon. Baronet the late First Lord of the Admiralty with respect to his public letters to Sir Charles Napier, but the right hon. Gentleman also did him the honour to confide to him the private letters which he addressed to the gallant admiral. He (Admiral Berkeley) had repeatedly assured Sir Charles Napier that if fault should be found with his conduct either in that House or elsewhere, because he had not attacked Sweaborg or Cronstadt, he (Admiral Berkeley) would stand up in his defence. Could it be supposed possible, then, that he would have consented to cast any censure upon the gallant officer? He denied having done so, and he denied also that the Board of Admiralty had ever censured Sir Charles Napier in any way with respect to his conduct and his management of the fleet before Cronstadt and Sweaborg. Having seen the papers relating to this subject, both public and private, it appeared to him that the case lay almost in a nutshell. The fact was, that Sir Charles Napier, who could use his pen as well as his sword, found that there was a strong feeling in this country because nothing had been attempted against the fortresses of Cronstadt and Sweaborg, and he then suddenly changed the tone of his correspondence with the Admiralty, and endeavoured to throw upon them the responsibility which he ought to have borne himself. He had seen with regret a memorial that had been placed in the hands of many hon. Members by Sir Charles Napier, containing a very unjust attack, which he had little expected from one whom he called his friend, and whom he might have supposed would have formed a very different opinion of his (Admiral Berkeley's) conduct. In the memorial which Sir Charles Napier had thought fit to circulate among Members of the House, he found this passage :—

> "Your petitioner has been informed that there were two candidates for the command, with seats in the Admiralty. One was refused; the other got it. Surely they could not be impartial judges of the conduct of your petitioner."

He (Admiral Berkeley) had been a candidate for the command of the Baltic fleet as well as Sir Charles Napier, and the right hon. Baronet then at the head of the Admiralty, knowing his (Admiral Berkeley's) anxiety to go out, put to him this straightforward question :—"Do you think Sir Charles Napier is a proper man to go to the Baltic?" Did he (Admiral Berkeley) say that he thought himself or any other person more fit for the command? No; he said to the right hon. Baronet—who could contradict him if he was not stating the truth—"That if Sir Charles Napier went out in command he (Admiral Berkeley) would be only too happy to go out as second in command." Sir Charles Napier accused two Lords of the Admiralty of being unfit to be judges of his conduct. One of those officers was himself and the other was Admiral Dundas, who had been appointed to the command of the Baltic fleet. When he (Admiral Berkeley) asked for the command of that fleet, he was told by the right hon. Baronet then at the head of the Admiralty, that his services were required at the Admiralty, and that he could not be spared. Admiral Dundas never applied for the command of the fleet, but was chosen to command it by the right hon. Baronet at his (Admiral Berkeley's) request. He thought, therefore, Sir Charles Napier must admit that one part of his statement was altogether incorrect, as were also other portions of the memorial. Reference had been made during the discussion to a Committee which sat a year or two ago, but no private letters were produced to that Committee, and he (Admiral Berkeley) had refused to answer questions put to him by the Committee, because they related to conversations which he regarded as private, and his objection was allowed. He must say there was no pleasing some parties. If fault were found with generals or admirals, the Government were immediately blamed because they did not recall such incapable persons, without giving them the opportunity of defending themselves; and now, because the Board of Admiralty did not think fit again to employ Sir Charles Napier in the Baltic, they were held up to public obloquy. Although he still felt and professed that friendship for Sir Charles Napier which he could not forget, though he thought it had been violated by the gallant admiral, he believed, whether these papers were granted or not, that the most unfortunate thing Sir Charles Napier could do, with respect to his character as an officer fit to command a fleet, would be to stir up this question, for the more it was searched into the worse would the gallant Admiral's case appear.

MR. WHITESIDE said, that there was no act of injustice, of oppression, or of iniquity that could be perpetrated upon any officer in Her Majesty's service that might not be defended by the arguments which had been used by the right hon. Baronet opposite (Sir J. Graham). The hon. and gallant Member who last addressed the House said, in effect, that he could not refer to the papers, and, therefore, he would not go into the question, that it was impossible to understand the matter fully without looking into the papers, that he never would look into them, and that by no possibility should the House be able to understand the truth of the case. What then was Sir Charles Napier to do? He felt insulted and aggrieved; he submitted his case to that House, and why? The gallant Admiral (Sir Charles Napier) informed him that, touched to the quick by the unjust treatment he had received from the Admiralty, he sought for inquiry, but inquiry was refused. He then applied formally for a court-martial, but that was likewise denied him. He then sought for an interview with the Prime Minister, and asked for redress. The noble Lord said some complimentary things which meant nothing, but redress was still withheld. What, then, was the gallant Admiral to do? He could only submit his case to that House, and rest content with their decision. Now, what was the case? The gallant Admiral—a man like every one of his race, of honour and chivalry, of high spirit, of great experience—was selected, and wisely selected, he (Mr. Whiteside) considered, by the Admiralty to be placed in command of Her Majesty's fleet on a great occasion. He was covered with the praises of that Admiralty, and the same system of panegyric was continued up to the month of September. On the 25th of September the gallant officer sent to the Admiralty an elaborate document, which very properly had not been read, in which he told them there were two modes of discharging the duty confided to him. He (Mr. Whiteside) did not complain of the Admiralty for exercising their judgment upon that document, but he wished to know why it was that they praised the gallant Admiral up to the 25th of September, and then turned round and told him, "From this day forth we find it impossible to express any satisfaction with you, on account of the decision you have come to on a matter not properly belonging to you to determine?" What was the conduct of the gallant Admiral? The soundness of his decision having been confirmed by a council of officers, he respectfully submitted to the Admiralty that the judgment which he had originally formed was right, and he ventured to suggest that the meaning of the document of the 25th of September had been misunderstood or perverted. He respectfully asked them to withdraw the insulting letter, but they said "No;" and when he further addressed them in language, implying that he no longer possessed their confidence, and that if he deserved the terms in which that letter was couched he was not a fit person to command the fleet, he still received no satisfactory answer. He was, therefore, driven from the Admiralty. Then he appealed to the First Lord of the Treasury, but, as he (Mr. Whiteside) had previously stated, found no redress, and now the representatives of the nation were called on to say that he should get no redress anywhere, because the papers which were asked for his vindication were private papers which ought not to be produced. He could recollect, however, an occasion on which two letters were asked for in that House, the writers of which said they were not public but private letters, and should not be produced, but which, notwithstanding, were moved for and produced in order that they might be used against an hon. Gentleman sitting on the Opposition side of the House. The present First Lord of the Admiralty had told them that the papers now moved for ought not to be produced because their publication would be injurious to the public service, not seeming to be aware that the papers asked for were those dated subsequently to the 20th of December.

Sir CHARLES WOOD said, he had stated that as the papers discussed the plan for taking Sweaborg it would be injurious to the public service to have such details produced to the House.

Mr. WHITESIDE: That statement convinced him that the right hon. Gentleman had not read the terms of the Motion, because the terms of the Motion excluded those dates which embraced the plans for the reduction of Sweaborg. The right hon. Gentleman had been so suddenly and so lately transferred from the Board of Control to the Admiralty that he was unaware of the fact that the papers asked for excluded those containing the plans and operations to which he had referred, and that therefore their production could not possibly be injurious to the public interest. The papers moved for by his hon. and learned Friend the Member for Wallingford were not to be granted because the Minister told them it would be an inconvenience. In the war in which they were engaged they expected to gain victories and to achieve triumphs, but they could hardly expect to find men who had a high sense of honour engage in the service of their country with a chivalrous and devoted spirit if they persisted in denying them, when insulted and injured, that justice to which they were entitled.

Mr. W. COWPER said, he rose to make an observation on what had just been stated by the hon. and learned Member for Enniskillen, with reference to the refusal to produce the letters dated after the 20th of December. He believed it would be highly imprudent to produce the letters written subsequently to the 20th December, because in those letters Sir Charles Napier had reproduced the facts and opinions he had stated in his former correspondence; and the publication of those facts and opinions could not take place without detriment to the public service, at a period when we were preparing another expedition to the Baltic. He therefore trusted that the House would not insist on the production of those papers. He certainly had never been more surprised than on hearing the speech of the hon. and learned Gentleman who had introduced the Motion, because that hon. and learned Gentleman had produced official documents containing the confidential statements of officers, with regard to the strength of hostile fortresses. He alluded more particularly to the disclosures made by the hon. and learned Gentleman of the opinions of General Jones and General Niel, and he would appeal to the House whether those opinions ought to have been made public at the present moment. The hon. and learned Member for Wallingford had incurred all the blame of this indiscretion for the sake of a case in which he had entirely failed; for his object was to prove that Sir Charles Napier had been dismissed and censured. But he (Mr. Cowper) denied the accuracy of that statement. The gallant Admiral had not been dismissed, for after the fleet had been dispersed his command had naturally ceased, and it would have been a very strange proceeding to have kept him still in full pay with his flag flying. The hon. and learned Gentleman complained of the curtness of the terms in which the gallant Admiral had been informed that his command had ceased; but he (Mr. Cowper) should observe that those terms had been framed in strict conformity with precedent. There was the precedent of the case of Admiral Hope, in 1812, which had been already mentioned; and there was a second precedent in the case of Sir Graham Moore, who, on his return from the Baltic in 1814, had been addressed in precisely the same terms. Sir Charles Napier had not been dismissed, and neither had he been censured. The fact seemed to be that the gallant Admiral had not received the amount of praise he thought he had deserved. But was the House of Commons to undertake to decide whether or not Sir Charles Napier had been sufficiently praised by the Admiralty? He submitted that that was not at all a proper subject for the consideration of that House. The Board of Admiralty must be the best judges of the merits of officers acting under their command; and it should be remembered that in that case the Board were naturally prepossessed in favour of an officer whom they had themselves appointed, and on whom the hon. Baronet at their head had bestowed the most special praise. Sir Charles Napier, at the Mansion House, had complained that he had been supplied with neither pilots nor charts. But the fact was that he had had on board his fleet 100 persons more or less able to act as pilots, and that he had had seven such persons in his own flagship. With respect to the charts he (Mr. Cowper) had only to state that the fleet had been supplied with the best charts in existence, and the same as those used in the French service. He regretted extremely that the gallant Admiral had taken the course he had chosen in that matter. But Sir Charles Napier, so far as he knew, had but one enemy, and that enemy was himself; and he had done so much to destroy his own reputation that no other person's reputation but his could have borne it.

Mr. MURROUGH said, that the question was, whether the British public would submit to have the character of an officer who had long served his country and had long been a favourite with the country stamped with disgrace by a Ministry without due consideration? The hon. Gentleman who last spoke denied that there had been a want of pilots or of charts with the Baltic fleet; but he forgot to tell the House that the pilots sent out were utterly unacquainted with the navigation of the Baltic, and that they were sent home again because they were perfectly useless. Then, again, with regard to the charts, they were so faulty that the officers were obliged to use other charts, purchased at their own expense. The case of Admiral Saumarez had been alluded to, but it should be recollected that his recall was only temporary. The country, however, knew very well what was meant by the recall of Sir Charles Napier; the country felt satisfied that it was a matter of great convenience to the Admiralty to remove Admiral Dundas from one situation and place him in another, and that there was no other mode of effecting that object but by getting rid of Sir Charles Napier. It was unjust to sacrifice in this way an old servant of the country, and the least the House could do was to grant the papers moved for.

Mr. BENTINCK said, he entirely dissented from the observation of the hon. Member for Hertford (Mr. Cowper), that the question brought under their consideration was, whether or not Sir Charles Napier had been sufficiently praised by the Board of Admiralty. He (Mr. Bentinck) should say that the Motion involved a subject of much greater interest and importance than that. In the present state of the discussion, however, and in the absence of the documents necessary to enable them to arrive at a decision upon the question, he would abstain from any attempt to define its merits. But he would observe that, painful as were all discussions of a personal character, he rejoiced that that matter had been brought under their notice, because he believed that it must contribute to direct their attention to a subject of the utmost importance—namely, the practice which prevailed in this country from time immemorial of placing civilians at the head of our great naval and military departments. He readily acknowledged the great capacity and experience of the right hon. Baronet the late First Lord of the Admiralty; but he would ask the House whether it would be possible to conceive anything more anomalous and even more disadvantageous to the public service, as well as to the reputation of the right hon. Baronet himself, than that he, a civilian, should be placed in such an office that he would have to decide over a fire in a room in Whitehall upon the mode in which distant naval operations had been, or were to be, conducted. He (Mr. Bentinck) believed that the discussion which had taken place that evening, and the Committee of inquiry into the state of the army before Sebastopol, would have the effect of laying the axe to the root of our present system of administering the business of our military and naval departments.

The ATTORNEY GENERAL said, the case, as presented to the House, appeared to him to lie in a very narrow compass. The hon. and learned Member for Wallingford (Mr. Malins) grounded it upon the fact that Sir Charles Napier had been dismissed and censured, and he said it was due, as a matter of justice to the character of that distinguished officer, that the correspondence which had taken place since a certain period should be laid before the House. The foundation of the case was Sir Charles Napier's having been dismissed or censured, or both. Now, as he (the Attorney General) understood the facts—and, not having seen the statement of the gallant Admiral, he had had no means of becoming acquainted with them except from the discussion that evening—Sir Charles Napier, upon his return to this country, instead of being continued in his command, received from the Admiralty an order to haul down his flag. That was called by the gallant Admiral and his friends a dismissal; and further it was said that the letter implied a censure upon the gallant officer. In the first place he apprehended that that was no dismissal of Sir Charles Napier, but that his command had terminated in the ordinary course of things. The fleet which he had commanded had been called home and dispersed. It had ceased to be a fleet, and with the termination of its existence as a fleet terminated also, in the natural course of things, and according to the universal practice of the Admiralty, the command of the officer who had been at its head. He received a letter which might if they chose be called rather curt than courteous, but which it appeared to him (the Attorney General) was in the usual form in which the Admiralty called upon an officer to haul down his flag. It was clear, therefore, that the facts did not constitute a dismissal, and that the letter did not amount to a censure. But suppose the gallant Admiral had been dismissed, was the Executive Government of this country, acting on behalf of the Crown, to be told that if it ceased to have full confidence in the capacity of an officer it was not justified in recalling him? What could be more difficult or more delicate than to determine whether an officer was entitled to the full confidence of the authority which employed him? Surely it was within the province and within the duty of the Board of Admiralty, at any time, if it thought proper, to recall an officer; and though the recall might imply a certain amount of distrust, it might not imply a want of confidence, neither did it necessarily involve a censure. He apprehended that an officer who was recalled was not warranted in demanding an inquiry or a court-martial. The recall amounted to nothing more than an expression that the Government had no confidence—not in his courage, that might be undoubted—not in his qualities as a seaman, those might be unquestioned—but in his discretion, in his energy, or in some one or other of those qualities which went to constitute a great commander, and in which a man might be to a certain extent deficient, and yet might be a most distinguished and meritorious officer. Here it did not amount to that. The gallant officer was not recalled; his command terminated with the dispersion of his fleet, and it must be in the sole province of the Executive to say whether or not a command should be continued to a particular officer. As for censure, the letter certainly contains none, and the hon. and learned Gentleman who made this Motion had himself read a letter in which the Admiralty expressed their satisfaction with Sir Charles Napier. Of what, then, did he complain? Why, that he was not again sent to the Baltic. It was said that the papers now asked for involved nothing the publication of which would be detrimental to the public service. He (the Attorney General) was informed that this was a complete mistake. Sir Charles Napier, thinking that his merits had not been sufficiently recognised, entered into a discussion of the subject, and a correspondence ensued, in which he was told that the question whether or not the attack upon Sweaborg ought to have been made was fully gone into; and the House was told, both by the late and by the present First Lord of the Admiralty, that this correspondence went into details the publication of which would be most prejudicial to the public service. Those who supported this Motion having failed to make out that Sir Charles Napier had been either dismissed or censured, he asked what there was in the position in which the gallant officer stood in relation to the Admiralty which could justify the production of documents which could not be produced without detriment to the public service? Had he in any letter or despatch from the Admiralty been censured for want of courage, of conduct, or of a due regard to the duty he had to perform, he would have been entitled to an inquiry, and if he could not obtain it in the ordinary way, he would have had a right, as every Englishman had, to appeal to the great inquest of the country. As it was, he thought that no case had been made out for the production of these documents.

Mr. OTWAY said, he could not consent to place this question upon the narrow ground taken up by the hon. and learned Attorney General, for there were occasions when not to be praised was tantamount to being censured, where an officer of the navy was exercising high command. The Government had proposed a vote of thanks to Admiral Dundas, for his services in the Black Sea; but, when Sir Charles Napier returned from the Baltic, no notice was taken of the circumstance. The hon. and learned Attorney General had said that the Board of Admiralty had accorded him their thanks, but those thanks were not given voluntarily, but were extracted from them by the letter written by the gallant Admiral. He (Mr. Otway) confessed, when he came down to the House, he laboured under a very different impression with respect to the services of Sir Charles Napier than that which he now entertained. Before he came down that night, he believed all the world had been told that nothing had been done in the Baltic, although the gallant Admiral had *carte blanche* to do what he pleased, and go where he pleased. If, however, the operations in the Baltic had not been as successful as was expected, what was the reason? Was not the cause to be attributed to the description of vessels employed, and the armaments used? A noble Lord, a Member of that House, now no more, had repeatedly put questions to the Government, and he (Mr. Otway) had done the same, with reference to the equipment of the Baltic fleet, but they had always been put off with answers from the First Lord of the Admiralty that everything should be done to fit out the fleet in the most efficient manner. With regard to the Motion before the House for the production of the papers, he would vote in its favour, because the most essential portion of them had already been divulged, and he thought there could be no well-founded objection against publishing them.

SIR GEORGE TYLER said, he thought that Sir Charles Napier had not been fairly treated. At the same time the order to haul down his flag did not strike him (Sir G. Tyler) in the character of a dismissal, because, according to the regulations of the service, in the case of a fleet which had been employed upon a particular service, it was a common occurrence that, when the service was performed and the fleet returned, the flag was as a matter of course hauled down. He felt as a naval officer—although, like the hon. and gallant Admiral the Member for Christchurch (Admiral Walcott), he was supposed to be too old for service—that if this had occurred to himself he should have considered it a hardship. At the same time he gave to the gallant Admiral every credit for the manner in which he had conducted that magnificent fleet. The gallant Admiral felt it to be impossible to adopt the plan which the Admiralty at home thought it expedient to determine. He, of course, being upon the spot, was the best judge. He (Sir G. Tyler) thought that the despatch after the taking of Bomarsund, in which it was said that the Admiralty approved highly of the gallant Admiral's conduct, but that they could not entirely express their satisfaction that he did not go to Sweaborg, might appear as a censure to the individual to whom it was addressed, and he had no doubt but that the gallant Admiral felt it so, without its having been intended as one by those who sent it. In conclusion, he begged to defend the naval officers against the insinuation which had been thrown out against them by the right hon. Member for Manchester (Mr. M. Gibson), that they would not take up such a case as the present. He was quite certain that these hon. and gallant Members were as independent as the right hon. Gentleman himself, and he (Sir G. Tyler) was ready on that and on any other occasion to offer an independent opinion to the House.

VISCOUNT PALMERSTON: I confess, Sir, that I have listened to this discussion with much regret, for I think it is setting a bad example that hon. Gentlemen who feel themselves called upon to vindicate the character of professional men in this House should, in doing so, read to us portions of particular documents, while, at the same time, they call upon the House to determine whether those documents shall be produced or not. This is a way of begging the question, and endeavouring to obtain an object by a sidewind, which is not, I think, advisable for this House to pursue. With regard to the Motion of the hon. and learned Gentleman, the House must agree that there are good and sufficient reasons why it is injurious to the interests of the country that the documents should be produced, and, therefore, I shall undoubtedly give my vote against the proposition. I think the hon. and learned Gentleman has made a mistake in discretion in the course he has pursued with reference to this subject. I also think another hon. and learned Gentleman has also made a mistake, and, led away by the similarity of the names, has mistaken Admiral Dundas who is going to the Baltic, as the same Admiral Dundas who has lately returned from the Black Sea. Perhaps the hon. and learned Gentleman is not aware that, in this country, and in the north especially, there are persons of the same name who are not the same persons, and, in fact, who bear no relation to each other. I have had the pleasure and honour of long acquaintance with the gallant Admiral who is the subject of this discussion, and as an admirer of his professional and personal character, it would have been a matter of sincere regret to me if he had been either censured or dismissed for his conduct when in charge of an important command. But I think it is clearly established that the gallant Admiral has neither been censured nor dismissed. And when the hon. and learned Gentleman who brought forward this Motion quotes the opinion which I expressed in another place as to the professional merits and distinguished qualities of Sir Charles Napier, I tell him that I retract none of those opinions, and that I am proud to say the courage, gallantry, professional skill, and ability of my distinguished friend, as I must still call him, stand as high now as at the moment when I made those observations. It has been my fortune, upon former occasions, to profit by the valuable services of Sir Charles Napier. On those occasions the gallant Admiral rendered most important services by the able and distinguished manner in which he performed his duty; and it is only due to him to say, that nothing has occurred in the last year to diminish, in the slightest degree, the high character which he has deservedly obtained for having done great and important services to his country. Sir Charles Napier has rendered important service to the country in the command of the Baltic fleet. He has shown the greatest skill in the conduct of that fleet through the most difficult and dangerous navigation in the world, and he has brought home that most magnificent fleet without any injury, under circumstances in which, if it had been under the command of one less skilled than my gallant friend, it might have sustained great damage and disaster; and he has secured this country against all those evils which might have arisen if the Baltic fleet of Russia had come out of port and scoured the seas. Whilst I say that I cannot agree to this Motion, I wish it to be understood that, in proposing to negative it, I do not consider myself as in the slightest degree casting any slur upon the reputation of Sir Charles Napier. On the contrary, I think that his character stands as high as it ever did, and I have no doubt that he will continue to rank amongst the most distinguished members of the naval profession.

Sir JOHN WALSH said, he thought the friends of Sir Charles Napier ought to be satisfied with the result of the night's debate, and that the testimony borne to the merits of the gallant Admiral from all sides of the House, and particularly by the noble Lord the First Minister of the Crown, must be most gratifying to his feelings. He considered Sir Charles Napier had shown in his command in the Baltic not only discretion, but that great moral courage which induced him to stand up for his own opinions and to act on his own discretion and judgment. He hoped his hon. and learned Friend would not press his Motion to a division.

Mr. MALINS, in reply, said, he would not encroach on the time of the House at any great length. He believed that the noble Lord's (Viscount Palmerston's) declaration, that he thought as highly of Sir Charles Napier now as he ever had done, had taken the House somewhat by surprise, for no one could doubt that the gallant Admiral had now been dismissed from his command, at whatever time the dismissal might have taken place, because another admiral had been appointed to it. As the thanks of the House had been voted to Admiral Dundas, he thought, if the noble Lord were sincere, that he ought to move a vote of thanks to Sir Charles Napier, who had gained a signal victory in the destruction of Bomarsund. The right hon. Gentleman the Member for Carlisle (Sir J. Graham) had made it a matter of observation that this question had been brought forward by a lawyer, by an equity lawyer. He (Mr. Malins) had brought the subject forward, not as a professional man, but as one of the representatives of the people. This shot from the Admiralty seemed a favourite one, for the present First Lord had followed it up in somewhat the same strain. Now, as it was his profession to hold briefs in the morning, the right hon. Gentleman seemed to think he could do nothing but hold briefs in the evening. He had brought forward this Motion, because he thought a distinguished officer had been treated in a most unworthy and undignified manner. The hon. and gallant Member for Gloucester (Admiral Berkeley) said that the more Sir Charles Napier stirred this matter the worse it would be for him; but he thought that the stirring which the matter had already received did not bear out that assertion, and that after the discussion which had taken place that night, Sir Charles Napier would stand before the public in a very different position from that which he had previously occupied. If ever the day arrived when the production of this correspondence would not be detrimental to the public service, he would, if he still had the honour of a seat in that House, do his best to have it produced; for he was convinced that, when it was produced, it would redound to the high honour of Sir Charles Napier, and to the discredit of those who had endeavoured to impugn that honour. When the noble Lord (Viscount Palmerston), the right hon. Gentleman (Sir J. Graham), and the hon. and learned Attorney General asserted that Sir Charles Napier had not been dismissed, and had not been censured, they must, surely, have forgotten the October correspondence. Up to that date, the Government had continued to express their satisfaction at his proceedings, but then, supposing that Sebastopol had fallen, they wrote that which any officer who received it must have considered as a censure. It must have been forgotten by the framers of the letter that the determination not to attack Sweaborg was not only the determination of Sir Charles Napier, but also of the French general and of the French admiral, and that in censuring Sir Charles Napier they were also censuring those gallant officers. It was apparent from the whole tone of the correspondence that Sir Charles Napier had been censured, and the letter of the 22nd of December, when interpreted by that of the 26th, showed that he had been dismissed. He (Mr. Malins) denied that he had set a bad example by reading extracts from the correspondence. When a distinguished officer had been treated with contempt, and, an inquiry into his conduct by court-martial having been refused, he applied to that House for redress, it would have a most lamentable effect upon the public service if the House were to sanction the principle that no part of the correspondence which had passed between that officer and the Government should be referred to. He had now, however, to consider what course he ought to adopt with regard to a division. When the Government had pledged their word before Parliament that the documents for which he moved could not be produced without injury to the public service, he was bound to attend to their intimation. The discussion had produced a most beneficial effect, and he trusted Sir Charles Napier would be satisfied with its result; for, under all the circumstances, he thought he ought not to press the Motion to a division.

Motion, by leave, *withdrawn*.

The House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Friday, March 9, 1855.

MINUTES.] PUBLIC BILLS.—1ª Mutiny; Tea Duties Decline Suspension; Secretaries and Under Secretaries of State (House of Commons).
2ª Exchequer Bills (£17,183,000).

THE TICKET-OF-LEAVE SYSTEM.

LORD ST. LEONARDS said, he rose to call the attention of their Lordships and of the Government to the great social question involved in the system of granting tickets of leave to convicts under sentence of transportation. Their Lordships were aware that when it had been determined, as a matter of necessity, that transportation as a system should in a great measure be put an end to, the question which had to be solved was, what other punishment could, in the present state of society, be substituted for it. Although it had been found that no punishment was so much dreaded by criminals as actual transportation, the country had no choice in the matter, because the Colonies, which had up to that period received our convicts, were determined to receive them no longer. Accordingly, it was decided that convicts whose term of transportation did not exceed seven or ten years, should undergo in its stead what was called "penal servitude," and by the 16 & 17 *Vict.*, power was given to the Government to grant licences to any person under sentence of transportation, who had undergone certain portions of their sentences, to go for the remainder of the term to any part of the United Kingdom to which they were authorised by their tickets of leave—the limit being the United Kingdom and the Channel Islands. He mentioned this, because an opinion prevailed that convicts were allowed, on the tickets of leave, to go to the Colonies; but this was not so. The system was, of course, one which was open to many very grave objections, and required the most careful attention that could be bestowed on it. The determination which had been come to was, that, in cases where persons were sentenced to be transported for seven years, if they behaved well for three years, they received a ticket of leave, and those who were under sentence of transportation for ten years received a ticket if they behaved well during four years. In the first place, he need not point out to the House that the great object in punishment was certainty, which all authorities who were acquainted with the subject acknowledged was of more importance than severity; but this was not attained under the present ticket-of leave system, as every man who heard himself sentenced to seven or ten years' transportation knew that such a sentence was a sham, and that his punishment, in reality, extended only to three or four years. This was a great evil, though, perhaps, it might be felt that it could not be remedied. Of course, the person who knew that he could shorten his term by good behaviour would submit to it—as he must in any case—and, of course, his great object would be to obtain the favour of the chaplain, because his good report, with that of the governor's, would shorten the duration of his term of imprisonment. He was curious to know the number of men who had served for three or four years who had been denied tickets of leave on account of misconduct. He believed that the number would be found to be very small. What did this prove? Why, that the men conducted themselves well during the time they were in prison; but it was well known a great number of these men relapsed the moment they obtained their release. No person could therefore doubt but that either the whole of the conduct of these men during three or four years was a sham in order to obtain their freedom, or that, when they had obtained their freedom, the temptations to which they were exposed were too powerful for them to withstand. There was a regulation in the present system that had a pernicious effect on the men; it was the following—a sum of money was given to the men on their release, and, although this was only a few pence per day for the time they had laboured, still on the average it amounted to *5l.* or *6l.*, and in many cases it reached *10l.*, *12l.*, and even *14l.*, which it was said was given to the men in two sums. But if men, who had not had *3d.* for three or four years, during which time they had been in prison under restraint and discipline, found themselves at liberty in the possession of *5l.* or *7l.*, what must be the inevitable consequence? Why, unless they were really reformed, they would soon relapse into their former course of living—when they regained their liberty they immediately indulged in excess, and there was no power or inducement which could be supposed to induce them to abstain. In the case of soldiers and sailors who were paid after a long absence from home, the riot and debauchery in which they indulged were too well known; but the soldier or sailor, after having so indulged, could return to his ship or his regiment; but this was not the case with the convict, who was often prevented, by having given way to such excess, from obtaining a situation in the establishment of a worthy master. In 1854 a report was submitted to their Lordships, in which it was stated, that from October, 1853, to June, 1854, there had been 1,000 convicts released with tickets of leave, and that at that time there were 5,686 convicts undergoing their provisionary confinement. Out of these 1,000 only four licences had been revoked; and from this Colonel Jebb drew a conclusion greatly in favour of the ticket-of-leave system, as in the ordinary cases of criminals who were released, after having undergone their term of imprisonment, nearly three-quarters of the whole numbers relapsed into their former course of crime. The only reason that he (Lord St. Leonards) could give for this great disparity between the numbers was, that the Government had not kept sufficient watch over the convicts, so as to enable them to know the working of the system. He did not mean, however, to say, that the convicts should be continually dodged; for he maintained that nothing could be more injudicious, after having given a man a ticket of leave than to place a policeman to follow him wherever he went in order to obtain employment, and to point him out whenever he made an application for work. This made a mockery of the system, and he therefore had raised his voice against it. But there was a great difference between dodging a man and taking due note of him, so as to have a check upon him; and this ought to be done not only for the sake of the man, but for the sake of society at large. From the last returns he could state that there were 5,686 convicts in confinement under sentence of transportation, and there were also 2,369 out on tickets of leave, and he would venture to say, that the Government knew no more of the doings of these men than he himself did. This, however, was not right, either to the men themselves or to society. He had taken the liberty, on former occasions, of pointing out that it was the bounden duty of the Government to take measures for ascertaining what became of these persons. There would be no difficulty in effecting that object; the very newspapers of the day would furnish them with information as to the number of prisoners who had been convicted a second time. He also objected to the system in which the discharges were made. He had made an inquiry with reference to a particular case; and the answer was, that the individual in question was discharged with 247 more under a general order of the Secretary of State, having no reference to particular cases; there ought, on the contrary, to be especial reference to every particular case, and these men ought not to be discharged in hundreds in this indiscriminate manner. There could be no doubt that the present system of granting tickets of leave caused an increase of crime. That such had been its effect appeared to be the opinion of Mr. Serjeant Adams, who had had considerable experience of the working of the system as a judge at the Middlesex sessions, where no fewer than one-ninth of all the criminal cases arising in England and Wales were tried. Mr. Serjeant Adams found great fault with the ticket-of-leave system, and maintained that its introduction had led to the recommission of crime by the same offenders to a very considerable extent; and, from the manner in which the system was carried into operation, it was only natural to expect that it should produce such a result. The administration of the system might not be responsible for the whole of the cases in which relapses into crime occurred among convicts who had obtained tickets of leave; but there was no doubt they were responsible for a certain proportion of their number, and particularly for those of very young persons, who might be saved from falling again into vice if they were properly looked after. In one case, for instance, a boy who had been seven times committed to the same prison, and been absolutely steeped in crime up to his sixteenth year, was, at the age of eighteen, well dressed, and, with a few pounds in his pocket, thrown upon the world again under a ticket of leave, but with no protecting eye over him. He ought either to have been made to undergo a longer period of imprisonment under which there might be greater hopes of his improvement, or until he could be placed under the care of some master who would preserve him from relapsing into his former depraved habits; but to send him back to the haunts of crime seemed to him a mere mockery—he could only be thrown back upon his old associations without any possibility of saving himself. It was obvious that such a system could not be attended with salutary results. Last Session he (Lord St. Leonards) had moved for a return of the number of convicts liberated under tickets of leave who had subsequently relapsed into crime, and the answer made by the Home Office was, that that department possessed no means of affording the required information. Why did the Government not send a list of the persons admitted to tickets of leave to the different quarter sessions and assizes held throughout the country, and then a return could easily be furnished to them of all the cases in which such persons were again convicted? Instead of doing that, however, the authorities at the Home Office had produced an incomplete return, including such cases only as were known to the department, at the same time alleging that the whole number could not be accurately stated for want of the supervision requisite for such a purpose. Now, until a list of these persons was regularly kept it would be impossible for the ticket-of-leave system to work satisfactorily. The Government ought certainly to keep some control of surveillance over these men, in order to be able to inform the country how the system worked, what good and what injury it did; and he was quite sure that if this were done, if these men knew that the Government was watching them, not with an unfriendly eye, but as the head of a family would watch an erring son, with an earnest desire to see him keeping in the right path—they would be strengthened and encouraged in their efforts to persevere in honesty and good conduct. He, therefore, trusted that the Government would be able to inform him that they had some scheme in preparation for the supervision of these ticket-of-leave men and for obtaining complete and accurate information with respect to them. The noble and learned Lord then *moved*—

> "That an humble Address be presented to Her Majesty for a Return in Continuance of the Return of the 18th July, 1854, in pursuance of an Address of the 1st June, 1854: And also, Return of the Names of Prisoners sentenced to Transportation who did not receive Tickets of Leave with other like Prisoners on account of misconduct in Prison."

EARL GRANVILLE: My Lords, I can assure the noble and learned Lord that the Government regret quite as much as he can do the necessity for reverting to a system of this kind and for abandoning the system of transportation, which, when it could be carried out effectually, and when the services of the convicts were accepted by the colonists, was the best of all secondary punishments. But they were now left to a choice of evils, for the alarm which is felt at home at the evil effects of a different system shows how difficult it was to force upon the colonists a course to which they so strongly objected. Even the noble and learned Lord did not blame the Government for making the experiment they had made—for it was only an experiment. I regret to say that it is not in my power to give the noble and learned Lord an assurance that the Government have in preparation any new scheme by which they can obtain more complete information with regard to the doings of the ticket-of-leave men. The noble and learned Lord has pointed out some of the evils of this system, which to a certain extent I am compelled to admit. I have brought down with me the report to which the noble and learned Lord referred, and I have glanced over several passages which it was my intention to read to your Lordships, but I feel that I should be trespassing upon your Lordships' time by doing so, and will, therefore, content myself by expressing a hope that, on so important a question as this, your Lordships will read through the whole of this very valuable paper. I think it shows that the alarm expressed by the noble and learned Lord on the subject of the new system is in some degree exaggerated, considering that the number of criminals released under the present system is small in comparison with those formerly released from the hulks, and that there is reason to believe that the men who have gone through the reformatory education for three or four years at present provided must come out much better than those who were formerly subjected to the demoralising influences of the hulks. I think, too, the noble and learned Lord has somewhat exaggerated the sum of money with which each man comes out. Though some men may have more, the general average, I believe, is between 5*l.* and 6*l.*, and that I think is about the sum you would give to a man who was going out afresh into the world to give him a chance of earning an honest livelihood without being exposed to the risk of starvation or of dissipation at the commencement. As to the uncertainty of punishment which the noble and learned Lord complained was an effect of the present system, though I should not venture to put my opinion in opposition to his, I certainly always understood that the uncertainty of detection and the uncertainty of conviction when detected, have ever most strongly acted upon the mind of the criminal in the commission of his crimes, and I think that the slight amount of additional uncertainty now introduced—in other words, the prospect of having the term of punishment shortened in case of good behaviour—is very much counterbalanced by the reformatory influences to which the criminal under the new system is now subjected. The noble and learned Lord objected to the police being instructed to "dodge" these ticket-of-leave men; but I can only say that only one case of this sort has ever come under the notice of the Home Office, and it was found, on inquiry, to be entirely without foundation. I feel convinced that the noble and learned Lord, in bringing forward a question of such great social importance, has been actuated by no party motives, but simply by a desire to assist the Government, and therefore if I could, I would not trouble your Lordships, by going into the details of that case, but I must submit that it is impossible for you to be guided in your opinion of a system of this description by one solitary case. I think it is impossible to look at the report to which I have referred, at the letters from the chaplains, and the letters received by them, without seeing that there is the greatest possible interest felt in the welfare of all the persons who are released under this system. What I look to most in the noble and learned Lord's speech is the suggestions made by him, which I think will be of use to the Government. These, as I understood, were that there should be a strict surveillance over these men, and that the Government should take more effective means for obtaining information with regard to them. It appears to me to be a most difficult thing to draw a line between the objection which the noble and learned Lord takes to the dodging of the police, and the supervision which he would establish. It is a fact the police are instructed to keep their eyes upon these men, but to go further than this would be defeating the very object which we all have in view. The men so dodged would become as it were marked men in the eyes of their fellow-workmen, and would find it much more difficult to obtain employment. With regard to the want of information of which the noble and learned Lord complains, I am glad to be able to inform him that within the last three or four weeks Sir G. Grey has taken every step in his power to obtain the most accurate information upon this very point, and I think I can answer for him that not only will that information be at the orders of the Government, but that the Government will make every possible use of it in ascertaining whether any further steps are required for the alteration of the present system.

EARL GREY: I am sure your Lordships are greatly indebted to the noble and learned Lord for having brought this very important subject under your attention. This subject is a growing one; and you are beginning to feel the evils which I anticipated, and against which I warned you, when you passed the Act abolishing transportation some two years ago; and I am persuaded that if Parliament and the Government are not very careful, these evils, instead of being exaggerated, as my noble Friend above me would have us think, are only the commencement of far greater ills. I concur with the noble and learned Lord that the abolition of transportation was a great misfortune. There can be no doubt, from the evidence which reaches us from various quarters, that transportation, as regulated of late years, did ensure the great ends of punishment more completely than any other system which has yet been devised. It undoubtedly deterred from crime those who were disposed to become criminals, and it no less certainly provided a means by which criminals could return to society and earn an honest living. There can be no doubt that a much larger proportion of men who had gone through a proper system of punishment in this country, and were then sent out to the Colonies under judicious regulations with tickets of leave, became better members of society than was the case with criminals treated in any other way that had been tried. As for the inconveniences, there never was a greater mistake than that into which his noble and learned Friend had fallen. It should be recollected that in this country convicts liberated do meet with difficulties in the way of leading a reformed life, with whatever guards you may surround the system, which were not felt in the Colonies. In the Colonies the convict was removed from all those temptations which unhappily led him into crime—he was removed from all old associates and old associations—and he was placed in circumstances where there was every encouragement to good conduct and every discouragement to bad behaviour. I utterly deny that, taking a really enlarged view of the interests of the Colonies, they have suffered in this respect. I firmly believe that if you compare the moral condition of Western Australia at the present moment, with those colonies to which convicts had not been sent, the result would be decidedly in favour of Western Australia. It is a great misfortune, in my opinion, that it has been thought necessary to abolish transportation, and very great indeed is the responsibility of those persons in this country by whose language that necessity had been created—for I do not hesitate to say that a factitious and artificial feeling was created in the Colonies by the language used by injudicious persons, to say the least, in this country—it was the appeals which were made to the self-love of the colonists, and the declamations in unmeasured terms against the injustice of sending convicts to the Colonies, and against the alleged injury thereby inflicted on them, that changed the feeling there. It was by the language held in this country that the feeling of the Colonies on this subject was changed, because every one acquainted with the question is aware that, about fifteen years ago, the feeling of the Colonies was exactly the reverse, and persons there then used language as strong against the injustice of abolishing transportation as they afterwards did against continuing transportation. The noble and learned Lord and the noble President of the Council have both said that it was absolutely necessary to abolish transportation, because the abolition was demanded by the Colonies. Now, however unpopular the notion may be, I for one, will not hesitate to declare my opinion that if you are to proceed on the principle that whatever is asked for by the Colonies—whether their demands be just or unjust, reasonable or unreasonable—is at once to be conceded, then the sooner you part with your Colonies altogether the better; and if you part with your authority, get rid also of the responsibility of defending and protecting them. I deny that, in point of justice or reason, those colonies which were founded as penal colonies, and to which the inhabitants went expressly that they might have the advantage of convict labour, have any right to turn round on the mother country just when it suits their convenience and say they will receive convicts no longer. But, assuming that it was necessary to put an end to transportation, I still say that no little responsibility rests on the Government and the Parliament by whom this measure was carried into effect for the extremely hasty manner in which the whole thing was done. I ventured at the time to take some exceptions to the measure substituting penal servitude for transportation; but, in spite of all objections, the Act was passed in the shape in which it was proposed. A great mistake in the Act was this, that while transportation was abolished, the period of penal servitude substituted for it was made much shorter, so that four years of penal servitude were put in lieu of seven years' transportation. That or some similar proportion was adopted. But it is now discovered that, unless you make the duration of punishment dependent on the conduct of the convict, it is impossible to maintain the discipline you desire in your convict establishments. The great improvement which had been effected of late years hinged upon this—that they now called into play in the mind of the convict the great motive of human life—they had sought to inspire him with hope, instead of attempting to compel him by fear. Formerly, in the hulks and prisons you trusted to fear—to the dread of immediate punishment for misconduct—as the sole stimulus to industry and good behaviour. Under that system, even with the assistance of the best and ablest officers, it was found practically impossible to maintain a real system of convict discipline, and you were driven into an excess of severity which hardens men, and you did not succeed in procuring either real industry or good conduct on the part of the convicts. A great improvement was effected when this subject was considered by the right hon. Gentleman now Secretary for the Colonies and myself, by methodising and bringing into more complete regularity the system, already begun by the noble Earl opposite (the Earl of Derby), of making the duration of punishment dependent on the conduct of the convicts. By applying this principle, under carefully considered regulations, you did succeed, with an inconceivably small amount of punishment, in enforcing perfect discipline and obtaining a larger amount of labour from the convicts than ever had been the case before; and I think I once mentioned that at the penal establishment at Dartmoor I saw work performed in a week by two convict sawyers which exceeded the amount of work done by two free sawyers in the same period. The holding out to the convicts the hope of an early discharge was the keystone to the whole system; and when you abolished transportation you ought not to have abolished a principle which was found so successful an inducement to good behaviour. By that most unhappy provision of the Bill, however, against which I warned the House, but on which the noble and learned Lord on the woolsack insisted, and which I know has been a great source of difficulties and mischiefs, you crippled your power to effect amendment in the convict, because you are driven either to make him work, irrespectively of his conduct, the whole four years of his detention, or, if you adhere to the former practice of making some allowance for good conduct, then you were obliged to discharge him after a period of detention quite inadequate as a punishment and correction for the offences of which he had been guilty. That is the evil of the Act; but I think the fault may be easily corrected. Was there any reason, when you put an end to banishment, which was the part of the sentence which was the most formidable obstacle to the commission of crime, that you should also reduce the period of penal labour? You ought at any rate to return to the old principle, and let the period of penal servitude correspond with an equal period of transportation. After all, there are great difficulties to encounter; but I still believe that, on the whole, the system of tickets of leave at home ought not to be abandoned. We know by the experience of the Colonies that those who were sent out as exiles, which was the beginning of the plan, conducted themselves much less properly than those sent out with tickets of leave. It was found that the sudden change from complete coercion to freedom was too much for the men to stand; and a much larger proportion was reformed when discharged with tickets of leave. With such experience it was right and wise in Parliament to give power to the Crown to establish a system of tickets of leave in this country. But in doing so great difficulties were to be encountered. On the one hand, if you exercise too close a surveillance over the convicts, you greatly interfere with their means of maintaining themselves honestly; on the other hand, if you abstain from all control over them, then your ticket-of-leave system becomes a mere name. Whether it might not be possible to contrive some regulations founded on those which used to be enforced in the Colonies, of compelling the ticket-of-leave men to report themselves to certain officers at certain periods, and of keeping back their wages until they reported themselves—whether some arrangement of that kind could not be adopted is worthy of consideration. But, at the same time, I still think the Government ought carefully to consider the question, whether the means of extending somewhat further than at present the sentence of transportation might not be adopted. My own opinion is, that with a very little more expenditure of money, Western Australia and some other colonies that could be named, might be able to receive a considerably larger number of convicts than at present. Before I conclude, my Lords, permit me to say that I think this question is very much connected with another most important one, well deserving the consideration of Parliament—namely, the question whether there ought not to be some means adopted to effect a more complete organisation of the police throughout the country, and their establishment in such a manner as would secure a thorough concert of action between them.

THE LORD CHANCELLOR said, that no Member of their Lordships' House more cordially agreed with the sentiment of the noble and learned Lord in regretting the necessity that had arisen for abolishing transportation than he did. The experience he had acquired during many years' administration of criminal law had convinced him that transportation better answered all the ends of punishment than any other that had been devised, for it contained in itself the two essential ingredients of punishment—the maximum of terror and the minimum of suffering. But, unfortunately, however advantageous it might have been to this country, it was the opinion of the last two Governments, and of their Lordships—not simply the opinion of the Government of the day, or of the noble Earl (the Earl of Derby)—that the time had come when transportation must be, he would not say abolished, for it had not been abolished, but to a very great extent cut down and modified. He believed that about a thousand convicts were the most that could now be annually sent out of the country. The noble Earl who last addressed their Lordships (Earl Grey) considered that the necessity for the modification of transportation had been too hastily assumed, and that the feeling in the Colonies had been brought about by unjustifiable language held by certain individuals at home, who sought for something the colonists did not desire. He (the Lord Chancellor) confessed that, to some extent, he was inclined to agree in that view of the case; but, from whatever cause it had arisen, the feeling was too great to be resisted, and not only did the Government think that something more than modification was needed, but it was felt to be impossible to continue to send out convicts in the face of the remonstrances that were made on the subject. The noble Earl said our Colonies were not worth keeping, if the Government were obliged to yield everything they demanded; but the question was this—when there came to this country repeated remonstrances against our loading those rising communities with the offscouring of our criminal population, could these remonstrances be either neglected or refused? There was too much justice in the remonstrance, and too much sympathy in the English Government, for them to resist the demand for alteration. It was necessary that an experiment should be made. When he said that an experiment must be made, he thought it of necessity followed that a Bill similar to that which their Lordships had passed should be brought in. He had himself proposed the Bill, but he took no credit for wisdom or forethought in proposing it, for if convicts could not be sent abroad they must be imprisoned at home. The question was, then, how should the old penalty be modified? What he proposed, and what their Lordships adopted, was this, that whereas there had been a very well-known system of substituting terms of imprisonment at Millbank for certain terms of transportation, that which had been done by the Executive should thenceforward be done by the Legislature. The terms, which were said to be short, were the exact terms that had been before in use. The man who was sentenced to transportation for seven years was by the universal system imprisoned for four years; for ten years seven were substituted, and so on. On this principle the Bill was framed, and whether right or wrong their Lordships sanctioned it. As to the question how far the Government had acted wisely in carrying out that enactment of the Legislature, it had been said, over and over again, that the whole dealing with this subject was necessarily an experiment.

He could not say whether or no the ticket-of-leave system had failed; the Act had only been in operation about a year and a half, so that that was not time enough to ascertain its value; but looking to the report of Colonel Jebb, he thought it would be impossible to deny that the system was working well. There might be individual cases of failure; but the general result was, that of persons undergoing first imprisonment, and then penal labour, and who then get out on ticket of leave—the result was, that the system turned out a greater proportion of such convicts comparatively honest and useful members of society than any other system. His noble and learned Friend suggested that Government were to blame for not having a more effectual system of registration and control. Those were broad suggestions; and in reference to the first he would only say that the Secretary for the Home Department had already thought of a more efficient system of registration, and was trying what could be done. He, however, thought that such a system would be necessarily, to a great extent, deceptive. A convict might change his name, and whether registered or not it would be difficult to know what proportion of persons had again lapsed into crime. The system might be attempted, but he saw great difficulties in carrying it into operation. The system of forcing a man who got into work—and was in a train to recover his character—to find his way to a central office, and report himself at certain times, was most objectionable. The man must get leave at stated times to do this, and this would act as a perpetual stigma, and more evil than good would be the result. All such experiments he should look at with suspicion.

Motion *agreed to.*

CRIMINAL LUNATICS' ASYLUMS—QUESTION.

Lord ST. LEONARDS rose to ask whether Her Majesty's Government had any intention to erect asylums for criminal lunatics? In regard to the administration of the effects of lunatics, a more perfect system than the English was not anywhere to be found. The laws which had been passed in reference to that subject, and the mode in which they had been put into operation, left very little to desire. But there was one very important part of the system which had been left unprovided, and it was to that that he now desired to direct their Lordships' attention.

Under the existing system a prison frequently became what it was never intended to be—an asylum for lunatics; and he considered that, as it was improper to convert a prison into an asylum, so it was improper to make an asylum a prison, for the rules and regulations of the one and the other were altogether different. He was aware that he might be met by a statement on the part of the Government that at present they did not contemplate the erection of buildings to be used as asylums for criminal lunatics; and under the pressure of the war, perhaps, it might be impossible to provide new buildings for the safe custody of such persons: but whenever new asylums were erected an important question would arise as to the classification of the persons who became inmates of those asylums. He thought, if the Government would consult the Commissioners in Lunacy and the medical authorities who were at the head of public establishments for lunatics in this country, that, with the advantage of their experience, a plan for the erection and conduct of those asylums might be adopted, and a system of classification might be arranged, which might be introduced whenever asylums for criminal lunatics were built.

Earl GRANVILLE said, he must admit that a great evil existed in regard to criminal lunatics, and that it was most desirable that proper accommodation should be provided for the safe custody of criminal lunatics, and that arrangements should be made for their classification. He was happy to state that the subject was under the consideration of the right hon. Gentleman the Secretary for the Home Department, though he (Earl Granville) was not able to give a pledge that the Government could immediately carry into effect any plan for affording the requisite accommodation. The question was, indeed, entirely one of money, and was for the consideration of the Chancellor of the Exchequer and the House of Commons.

THE COLONIAL OFFICE—ABSENCE OF THE SECRETARY OF STATE.

The Earl of DERBY rose to put a question to the Government "respecting the arrangements to be made for the efficient Discharge of the Duties of the Colonial Department, in the Event of the prolonged Absence of the Secretary of State for the Colonies," and said: My Lords, in putting the question of which I have given notice to Her Majesty's Government, I should be very sorry to cause embarrassment in the Ministerial arrangements; but the subject to which I have to advert is one of the greatest importance, and the neglect of it must cause so much public inconvenience—an inconvenience increasing day by day—that I do not think I should be justified in abstaining from calling the attention of your Lordships to the facts, and putting to Her Majesty's Government the question of which I have given notice. I need not remind your Lordships of the rather unusual circumstances under which the noble Lord (Lord John Russell), now at the head of the Colonial Department, accepted the duties of that important office. I need not remind you that the noble Lord did not form a Member of the Government as it was originally constituted, but that he had accepted a most important mission, upon which he had actually set out, and had left this country at the time when the secession of some Members of the Government rendered various new appointments necessary. The noble Lord was, I believe, already upon the continent when application was made to him by telegraph by the noble Viscount at the head of the Government, to ascertain whether he was willing to undertake the duties of Secretary of State for the Colonial Department; and, not by return of post, but by a still more rapid mode of communication, the noble Lord intimated his readiness to undertake the duties and responsibilities of that office. I am not about to complain that the noble Lord, after accepting office, did not at once give up the important mission he had undertaken, and return to this country to perform its duties. I think, on the contrary, that the abandonment of that mission might have been a matter of great injury to the public interests:—I am satisfied that it was quite proper and wise that the noble Lord should proceed to Vienna to perform the duties of the important mission with which he had been intrusted. But then the question whether the offer and acceptance of the office of Secretary of State for the Colonial Department were or were not justified must depend altogether upon the reasonable anticipation entertained by the noble Viscount at the head of the Government and the noble Lord as to the probable duration of the noble Lord's absence upon his mission. I know, my Lords, perfectly well that, technically and formally, every Secretary of State can perform the functions and duties of any other Secretary of State. The Secretaries of State were formerly three in number—*tria juncta in uno*—they are now four; and I know that any one of those Secretaries may perform in a formal sense the duties of any of his colleagues; but though this is so formally and technically, and although for a certain limited time—during the recess of Parliament for an especial instance—the ordinary and routine duties of one Secretary may be carried on and administered temporarily by another, it is obvious, looking to the importance and weight of the business pressing upon each of those departments, that anything like a permanent junction of the duties of these officers must be attended with very great inconvenience and injury to the public service. So much, indeed, was this felt to be the case, that when the present war commenced, it was found necessary to divide the Secretaryship of State for the Colonies into two departments, and to withdraw from the Colonial Secretary the business of the War Department, which was formerly united to that of the Colonial Secretary, and which is sufficient fully to occupy the attention of one Minister during a period of war. I believe, moreover, that there is no Minister whose presence in this country is more necessary, and whose duties can be less readily taken up by any of his colleagues, than those of the noble Lord who happens to be at the head of the Colonial Department; because there is no Minister, perhaps, whose duties are so much apart and separate from the business of his colleagues, whose individual responsibility is so great, and probably none whose general knowledge of the business of the office is so much confined to the individual by whom that office is held. My Lords, I do not go so far as to concur altogether in an axiom which, if I recollect rightly, was laid down by a right hon. Gentleman who for many years performed the duties of Under Secretary for the Colonies, that "Cabinets always hated colonies;" but having myself had some experience of the duties of the Colonial Office—and I believe my opinion will be shared by more than one noble Lord in this House—when I say that, of all the business which is brought before a Cabinet, there is the greatest difficulty in obtaining for the affairs of the Colonies a very small portion of that very small amount of time which Ministers are enabled to spare from the administration of their particular departments for the colin the opinion entertained by the Government and the country as to the great importance of the mission accepted by Lord John Russell. I believe that no appointment could have been made which could have led the nation generally to feel that the honour of the country was placed in safer hands; and I believe that no appointment could have been made of greater importance, not only to this country, but to the whole of Europe, inasmuch as the appointment of the noble Lord is regarded as a pledge and proof that the intentions of Her Majesty's Government are perfectly sincere in endeavouring to obtain peace as early as possible, provided peace can be obtained upon safe and honourable terms. Under these circumstances, I think it would have been a most injudicious measure when Lord John Russell had already visited the Court of the Tuileries on his way to Berlin and Vienna, to recall that noble Lord in the middle of his mission. It is, perhaps, using a strong word, but it appears to me that such a recall, after the delay which had already taken place in consequence of the Ministerial crisis, would have been something like a breach of national faith. With regard to the second point referred to by the noble Earl, namely, whether the offer of the Colonial Office was a judicious one on the part of the Prime Minister, and whether the acceptance of that offer upon the part of Lord John Russell was or was not justifiable—I have not the slightest doubt in my own mind upon the matter. We had seen the difficulty of forming a Government strong enough to maintain its position. Even the noble Earl opposite (the Earl of Derby) had given an example of how much, in these sort of crises, personal and party feelings required to be sacrificed for the sake of the public interests; and I do think that it was right for Lord Palmerston, when his Government had been weakened by the secession of some of the eminent men who had belonged to it—I think it was right to strengthen it in the estimation of the public and of our allies as soon as possible by joining to it so eminent a statesman as Lord John Russell. With respect to the inconvenience which may result from the absence of Lord John Russell, the noble Earl stated that he was perfectly aware that formally and technically any Secretary of State could discharge the duties of the Colonial Office. Now, I think if those duties had been imposed either upon the Secretary for War or the Secretary for Foreign Affairs—if, in addition to his ordinary office, either of them had been asked not only to transact the business of the Colonies, but to make himself master of all the questions connected with that department of the Executive—he must utterly have broken down in the attempt; but the person to whom the charge of the Colonial business has been committed for a limited time is a right hon. Gentleman who has the whole business of the department at his fingers' ends, and who had conducted the administration of that department up to within three weeks of the acceptance of office by Lord John Russell. Thus one-half of the difficulty a new Secretary of State has to overcome—namely, the mastering of the business of his office, which occupies not less than six weeks or two months—will be obviated. No one could for a moment contend that this arrangement, as a permanent one, is defensible; but, as the noble Earl justly said, it is a question of time. Lord John Russell has gone to Vienna for the purpose of endeavouring to negotiate a treaty of peace. It may unfortunately happen, as the noble Earl suggested, that the negotiations will be broken off at once, in which case there is no question that his Lordship will return immediately, and his absence from London will be of very short duration indeed; but if affairs should take a more fortunate turn, I can assure the noble Earl that the noble Lord will not be absent for so long a period as he supposes. The noble Lord goes to Vienna to discuss and settle the great general principles upon which a treaty of peace is to be concluded. If those principles are agreed to, and there is a real prospect of peace, I do not think it is desirable that Lord John Russell himself should stay for a long period in order to settle all the details and formalities of the treaty; and I believe I am justified in assuring the noble Earl that at present it is the wish and the intention of Lord John Russell to be back in this country by Easter at the latest. I believe that no inconvenience whatever has been felt by the Secretary of State's absence. Sir George Grey is the person who has the greatest right to complain, for a very arduous duty has been thrown upon him—a duty, as the noble Earl has said, which no person could ever undertake as a permanency with fairness to himself. So far from colonial subjects being unpopular in the Cabinet to which I belong, I beg to state to the noble Earl that we have already held two Cabinets upon them in which two important decisions have been arrived at, and the right hon. Gentleman (Sir George Grey) has not shrunk from acting without delay upon those decisions. With regard to the noble Earl's suggestion as to the only way of getting through the work of the department, I may mention a story related of one of the distinguished colleagues of the noble Earl, who is said to have been told by a gentleman of great official experience, in answer to an application to suggest some mode of facilitating the laborious duties of this office,—"There are several ways of expediting matters; one sometimes adopted is that of not reading inclosures." But I am sure the noble Earl will feel that, until the right hon. Gentleman's health does break down, he will conscientiously and honestly discharge the duties which have been thrown upon him. The question of the gold licences at Victoria may or may not become a serious question; but it is not one which can be dealt with in this country in its present state. With regard to the legislative question, the information we have received is not yet so complete as to enable the Secretary of State, whoever he may be, to come to a right decision upon it. There has been no delay in matters of routine, and the business of the department is still regularly proceeding. In some most important cases decisions have been come to without a day's delay, and in cases where no inconvenience would arise from the delay of a week, communications have been made between Sir George Grey and Lord John Russell. With regard to the Cape of Good Hope, everything that is to be done by this country has been decided upon. I am unable to give the noble Earl any intelligence with regard to the appointment of an Under Secretary, for even if arrangements had been made, it would be impossible to appoint an Under Secretary until the Bill with regard to that office has passed through your Lordships' House as well as the Commons. I am afraid that the noble Earl's language is calculated to create that very feeling in the Colonies which he has expressed a wish to avert; but that the colonists will be affronted when they hear an ex-Prime Minister—one of the greatest statesmen of this country, and one who has acquired singular eminence in the Colonial Office—has accepted that office in the present emergency is an utter delusion. I feel confident that neither the interests of this country nor of the Colonies will suffer in the slightest degree from the manner in which Sir George Grey will carry on the duties of an office with which he is thoroughly acquainted during the temporary absence of Lord John Russell.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, March 9, 1855.

MINUTES.] NEW WRIT.—For Tamworth, *v.* Sir Robert Peel, bt., Commissioner of the Admiralty.

PUBLIC BILLS.—2° Lunatic Asylums (Ireland) (Advances); Lunacy Regulation Act Amendment.

3° Marine Mutiny; Ecclesiastical Courts.

THE LIGHT CAVALRY CHARGE AT BALAKLAVA—QUESTION.

On the Question that the House at its rising adjourn till Monday,

LORD ELCHO said, he would take advantage of it to ask a question of the hon. Member for Bristol with reference to a Motion which stood in his name to move that an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that an inquiry may be instituted into the conduct of Lieutenant General Lord Lucan for ordering a charge of the Light Cavalry at the battle of Balaklava. He wished to ask the hon. Gentleman whether it was his intention, and if so, when he intended, to bring forward that Motion? The House was doubtless aware that his noble and gallant relative (Lord Lucan) had read in the other House of Parliament a letter addressed to the Minister of War by Lord Raglan. That letter, dated the 16th of December, contained charges so grave that his gallant relative, though refused a court-martial on his first arrival in England, felt it incumbent on him to address a letter to the Commander in Chief praying him to reconsider that decision. His gallant relative, referring to Lord Raglan's letter of the 16th of December, said—

> "This letter contains entirely new matter, and is replete with new charges reflecting more seriously than before on my professional judgment and character. There is now imputed to me, and for the first time, inattention to and neglect of another order, and, again, a total incapacity to carry out my instructions, and to avail myself of the means placed by his Lordship at my disposal. Charges so grave, and of a character so exclusively professional, cannot, I submit, be properly disposed of without a military investigation. I find myself, therefore, compelled to express my anxious

> wish that the Commander in Chief would be induced kindly to reconsider his decision, and consent to my whole conduct on the day of the action of Balaklava, on the 25th day of October, 1854, being investigated by a court-martial."

His noble and gallant relative felt that, if his conduct were investigated by a court-martial, he could refute these new charges, and, as he was himself confident the only object of the hon. Member for Bristol was to do justice to all parties concerned in this unhappy affair, he hoped the hon. Member would postpone his Motion pending the inquiry which his gallant relative wished might be granted, but with respect to which he had as yet received no answer.

MR. H. F. BERKELEY said, the noble Lord had only done him justice in supposing that the inquiry which he proposed to institute was entirely on public grounds. He felt that a great and grievous wrong had been done to the British army, that it was necessary an inquiry should take place into that wrong which had caused so wanton a sacrifice of life. He had no wish at all to prejudge the case of the noble Earl, and should be glad to postpone his Motion until some decision was come to. After that time he should consider himself at liberty to proceed with his Motion.

BREECH-LOADING ARMS.

MR. MAGUIRE said, he wished to bring under the consideration of the House certain improvements in the manufacture of breech-loading firearms and the importance of adopting such improvements in the British army. There seemed to be the same prejudice against these improved arms as there was against the introduction of the Minié rifle, but that prejudice he hoped soon to see removed. Within a very short time, he had had an opportunity of testing two or three breech-loading arms, and the weapon he was most anxious to bring to their notice was Sharpe's breech-loading rifle. In 1850, Mr. Sharpe, then a simple mechanic, presented himself before the chief of the United States Board of Ordnance, and laid the result of his ingenuity before him. The weapon was tried, and the result was a recommendation to the War Department to have it tested. The War Department accordingly ordered 500 of the weapons to be made according to the inventor's pattern, and placed them in the hands of the troops engaged in active service on the frontiers, with the view of testing their capabilities. The result was eminently favourable. It was reported that the rifle was a weapon not only easily handled, but that it had great accuracy of range, great power of penetration, and was never foul. The American Congress had since appropriated 100,000 dollars for the purchase of these arms, and Sharpe's breech-loading rifle was now the weapon adopted by the Government of that country. Colonel Burn, Captain Barlow, and Mr. Anderson were sent out to America to test the various improvements in firearms as well as improvements in machinery, and to purchase such machinery as would afford the greatest facility for the manufacture of arms in this country. When Colonel Burn returned he endeavoured to impress upon the Government the superiority of Sharpe's rifle. As early as May last that weapon was shown at Woolwich, and he was confident that if an honest test had been applied to it that weapon would, by this time, have been generally adopted in the British army. A trial was made of the rifle, both officially and non-officially, and a report of the result was sent to the Board of Ordnance, and also to the Horse Guards, but no notice had hitherto been given of the determination of either of those departments to those who were anxious for the success of the weapon. He considered that this rifle possessed great practical advantages over the Minié rifle. With the latter the charge was put in at the muzzle of the barrel; it was then driven down by the ramrod, which had at first to be drawn and afterwards returned to its proper place in the stock; but with Sharpe's breech-loading rifle, an opening at the breech was effected by touching a spring—the charge was then placed in its proper position and the opening instantly closed. He had that day witnessed experiments on the weapon at Lord Ranelagh's with very satisfactory results. He would defy any one to charge and fire a Minié rifle more than two or three times in a minute, whereas he saw to-day one of Sharpe's breech-loading rifles fired twenty-one times in a minute and a half, fourteen times in a minute, and forty times in five minutes and five seconds. Another advantage of Sharpe's weapon was that it did not foul. It could be fired upwards of 200 times without fouling. These were merits which entitled that description of arm to be favourably received by the Government. They had, already, proof that the Minié rifle was not that all-perfect weapon which, in this age of improvement, the British army ought to possess. Much delay arose, for instance, from the sticking of the bullet, as well as from fouling, disadvantages to which Sharpe's rifle was not subject. He also wished to call the attention of the House to another improvement, which consisted of a small magazine, in which could be placed fifty caps, so arranged that they should explode consecutively, but should any miss—an event of rare occurrence—the ordinary cap might be used. He put it to the House what an advantage it would be to have a corps of men armed with a weapon of such enormous power, especially when the troops were opposed, as was the case at the Cape of Good Hope, to a subtle and treacherous enemy. So fully was this recognised by military men, that, when the intelligence arrived in this country that there would probably be another disturbance with the Kafirs, it was suggested to the Horse Guards that this description of weapon should be placed in the hands of the Cape Mounted Rifles; and Colonel Hay, on trying the rifle at Hythe, had said, "Would to God they had them at Sebastopol." He likewise wished to call the attention of the House to Dean and Adams' revolver, which he considered a great improvement on Colt's. The man who had a revolver was trebly armed, and the advantages of that weapon were never more forcibly displayed than in the case of Lieutenant Cross, who, it would be remembered, shot four Russians and saved himself through the fortunate accident of having such a weapon in his possession. He thought the Government would be performing a service to the country by testing these admirable weapons.

COLONEL KNOX said, he had assisted with a number of other officers, as well as experienced gunmakers, at the trial of the new weapon at Lord Ranelagh's, to which the hon. Gentleman had just referred; and they had all agreed in considering it a most valuable arm. It was a decided improvement on the Prussian needle gun; it was easily used and easily cleaned; and he had no hesitation in saying that for cavalry it would be the most useful instrument that had ever been invented. He earnestly trusted that the Government would direct their attention to the subject, and give the service the benefit of so valuable a discovery.

MR. MONSELL said, he really admitted with the hon. Member for Dungarvon that it was extremely important that they should, with the least possible delay, introduce the best possible breech-loading carbine into Her Majesty's service. Before Mr. Sharpe, or any one on his behalf, came to this country, his carbine was sent to the Ordnance Office, and it was at once put into the hands of those whose duty it was to test such weapons. The military authorities, and more especially the Commander in Chief, were devoting their best attention to that subject; and it was only in consequence of their extreme desire that the choice of a weapon which they might make should be a good one, that they had not yet resolved what that choice ought to be. Early last year an intimation had been given to the most experienced gunmakers of this country that it was the intention of the Government to introduce a breech-loading carbine into the service, and they had been requested to submit for trial, by the 1st of May last, any weapons of that kind which they might have invented. Some of our most experienced gunmakers had requested that they might be allowed a longer time to prepare their instruments, and that application had been granted. Their weapons, however, as well as that of Mr. Sharpe, had soon afterwards been submitted to trials at Woolwich. A number of carbines selected out of the lot so tried had next been sent for another trial to Colonel Hay at Hythe, and among them a very remarkable one invented by M. Lenoir, a Frenchman. The matter was at present considered to be nearly ripe for decision, and in a very short time the proper authorities would pronounce what they considered was the best of those weapons. As soon as that judgment should be given, the Ordnance Department would lose no time in having a number of the most approved breech-loading carbines manufactured for Her Majesty's service. He had only to add, that from all he had heard he believed the choice would probably lie between Mr. Sharpe's and M. Lenoir's weapons.

MR. BELLEW said, that having witnessed the experiments at Lord Ranelagh's, he could also bear testimony to the excellence of Sharpe's rifles. He suggested, as they could be purchased in any quantity in America, that it would be much better to send for them to that country than to manufacture them here.

MR. MAGUIRE said, that several gentlemen had expressed their belief that the new instrument would not only be suitable for cavalry, but that it might, if adapted to the Minié rifle, be found of the greatest use for our infantry and our artillery. It would afford a great protection to the latter against their being cut down at their guns.

VOLUNTEER RIFLE CORPS—QUESTION.

MR. W. WILLIAMS said, he wished to put a question to the noble Lord at the head of the Government upon a subject to which he had the other evening directed the attention of the right hon. Baronet the Secretary of State for the Home Department. The right hon. Baronet had stated upon that occasion that offers had been made to the Government for the formation of volunteer rifle corps, but that those offers had been refused. He (Mr. Williams) was anxious to know what were the grounds of that refusal. He could himself see no objection to the formation of those corps, and he believed that, in case of invasion, they would be found extremely useful.

MR. G. DUNDAS said, that the country had great reason to complain of the delay evinced by the Government in adopting fresh improvements. The fact was, however, that it was part of the "system." We were overwhelmed with Boards, when if the matter rested with one man it would be immediately arranged. The Government had for once broken through the "system" at Woolwich, and had placed a man there of great ability and aptitude, who had already saved the country at least 16,000*l.* or 20,000*l.* If a matter of this sort rested with Captain Boxer, he believed that it would be settled in a very short time.

VISCOUNT PALMERSTON said, that in reply to his hon. Friend the Member for Lambeth he had to state that when he was at the Home Office he received from different parts of the country a great many offers to form these corps. He had to consider, first, whether there would not be a certain amount of expense attending their formation, and in the next place whether any possible utility was to be expected from them. There was no doubt that a certain amount of expense would attend their formation; and it appeared to him that they could be of no earthly use. The offers were chiefly from inland places. We were under no fear of an invasion, and if we were he did not think that volunteer corps of this kind would be of any practical service whatever. They would be composed of tradesmen and persons in business, persons occupied in the engagements of civil life, who could not absent themselves from their residences without interfering with the industrial and commercial arrangements of the country, and who by their habits and constitution were not at all fitted to encounter the exposure and the difficulties of a campaign to which they would be exposed if they were ordered to march to the coast. If they had to bivouac out, and to expose themselves as troops on service must do, it was evident that in the course of a week the greater part of them would be in the hospital instead of in the field. If we anticipated an attack upon our coast, there might be use for these corps in our seaport towns; but as that was not the case it did not appear to him that it would be of any use to accept the offers of these most zealous individuals, to the public spirit which actuated whom he must, in declining their offers, do justice.

COLONEL DUNNE said, that in reverting to the case of breech-loading guns, all the specimens he had seen had one great drawback, namely, an escape of gas from the breech. At the time he was connected with the Committee on Small Arms, no weapon had been invented which overcame this difficulty. He should like to see this gun of Mr. Sharpe's fired not 500, but 2,000 times, in order to see if by that time the double action was not so shaken as to admit an escape of gas.

MR. MONSELL said, that in July or August, Sharpe's carbine arrived in this country, and was submitted to the Select Committee at Woolwich. That Committee made a very favourable report of it, as also of two or three other descriptions of breech-loading guns. All the guns referred to had been sent to Hythe for trial, and those trials had, he believed, now been completed, and in a very short time the best description would have been selected.

SUPPLY—ORDNANCE ESTIMATES.

The House then went into Committee of Supply.

(1.) 1,387,500*l.*, Barracks, Works, &c.

LORD SEYMOUR said, he wished to call the attention of the Committee to the very large amount proposed to be expended in works at home, at a period when such extraordinary exertions were required abroad. Among other items included in this Vote was 30,000*l.* for defences at Dover and the coast of Kent, 60,000*l.* for new barracks on the western heights of Dover, buildings for new stores and garrison hospital in the Tower; 48,000*l.* for defence of commercial harbours at Hull and Liverpool; but the principal charge to which he was desirous of directing attention was one of 250,000*l.* for barracks at Aldershot. With respect to this last charge, he was desirous of knowing how the contracts for the erection of these buildings were to be carried out if they were to be built only of Christiana deals? Then, what was the object of the barracks at Aldershot, and whether the temporary barracks included in a previous Vote formed a portion of the same? Or whether the large sum of 150,000*l.* already voted for temporary barracks was to be swept away, and the further sum of 250,000*l.* now proposed to be expended in addition? It would also be desirable to know what was the number of troops proposed to be accommodated in these new barracks.

MR. MONSELL said, that the sum of 30,000*l.* was for the works at Dovor which were intended to carry out a series of defences that were commenced some years ago, and had already received the authority of Parliament, and for which, as a matter of course, a certain sum was taken by the Ordnance every year. The works were proceeding in a satisfactory manner, and Sir John Burgoyne thought them second in importance to none in the country. With regard to the sum of 60,000*l.* for the new barracks at Dovor, he had to state that, for the defence of the works at Dovor, barracks were required for at least 5,000 men: there were barracks now for 1,200 men and casemates for 1,200 more; those casemates, however, were considered to be unfit for young and unseasoned troops; and it was very desirable to provide for them additional barrack accommodation. As for the garrison hospital at the Tower, the troops there wanted it very badly. The sum of 48,000*l.* for the defences of commercial harbours was not merely for Hull and Liverpool, but was the commencement of putting many of the harbours of large commercial towns along the coast in some state of defence. It was a subject which had been continually and urgently pressed on the Government, and would give satisfaction to a great number of taxpaying people. As for the barracks at Aldershot, there was some confusion the other evening in the statements about temporary and permanent barracks. The object of erecting the temporary barracks was this. At present we had not in this country accommodation for lodging the troops and the embodied militia, for whom it was probable we should have to provide in a few months. To attempt to provide for them by billeting would be injurious and demoralising, and to take temporary buildings in the different large towns was also an objectionable and expensive mode, although the Government had been obliged to adopt it to a certain extent. At present we had not the means of concentrating large bodies of troops together, so that the officers might be accustomed to handle them in masses. It was believed that ample accommodation might be provided for 50,000 troops, officers and men, at the rate of about 5,900*l.* per thousand men. It was intended to erect buildings for 20,000 men at Aldershot, and for 10,000 men at the Curragh of Kildare; the place was not yet decided upon where the remainder were to be located. But these barracks were to be entirely distinct and separate from those for which the vote of 250,000*l.* was taken, which were to be erected at Aldershot. These latter were to be permanent barracks, and were to accommodate 10,000 men, being 7,000 infantry, 1,500 cavalry, and the remainder artillery. These permanent barracks would afford us the great advantage of being enabled to have at all times a large body of troops collected together for exercise and drill. Some observations had been made the other evening by the hon. Member for Coventry (Sir J. Paxton), as to the impossibility of obtaining the necessary quantity of Christiana deals for the construction of these barracks. He believed that the words of the contract were, "Memel, Riga, or Dantzic timber, and yellow Christiana deals." Many of the builders who offered themselves for the work said, there would be no difficulty in obtaining the quantity of timber of the description specified, but they doubted whether the sawing could be performed. It was considered that the best timber would be the most economical for permanence, and the inside lining might be of an inferior quality. The statement, therefore, that the contract included merely Christiana deals was incorrect; there were four qualities of deal included, and a very large proportion of the quantity had been already supplied. The total quantity of timber of all kinds required was 11,255 tons, and there would be no difficulty in obtaining a supply of 20,000 tons at the present moment. It was supposed that with care those wooden barracks would last for many years, and the engineer of the Ordnance had stated that by the adoption of an inexpensive process they might probably last twenty years.

MR. ELLICE said, he had seldom heard a more alarming statement than that now submitted to the Committee by the hon. Gentleman the Clerk to the Ordnance. He was the last person in that House to advocate false economy and to grudge the Government the means of conducting the war in the most effectual manner, but he hoped they might consider war an exceptional, and not the normal state of things for which they were to provide in this country. He thought, then, that if a scheme so vast as that they had just heard of were considered necessary, his noble Friend the First Lord of the Treasury ought at least to have explained the general principles upon which the Government were proceeding. If, happily, peace were restored in the course of the present year, in what condition would this country be left with such enormous establishments? For what purpose were these barracks to be erected? He did not quarrel with the sum required for fortifications at Dovor, but it appeared that 60,000*l.* was to be laid out there in barracks this year on the ground that 5,000 men were required to garrison these fortifications. Such a force as this, however, was only required under the exceptional circumstances of war, and when they were told that already there was barrack accommodation at Dovor for 1,200 men, and that 1,200 more could be lodged in the casemates, it was utterly beyond his comprehension that they should be asked for 60,000*l.* for fresh barracks. With respect to the vote of 48,000*l.* for the protection of the commercial ports, what emergency was there which required such an outlay at this particular time? He granted that this was a point which ought to be looked to. He said nothing against the principle of erecting those works at the proper time; but, whatever might have been the case two or three years ago, there was no pressing occasion for these works just now, and he thought it most inexpedient to select the present moment for adding unnecessarily to the burdens which the country was obliged to bear. Then they came to that most objectionable demand for a sum of 175,000*l.* on account of temporary barracks for the probable wants of the embodied militia, and for the accommodation of the troops raised this year in augmentation of the army. Now, he knew the inconvenience which would probably result from embodying the militia, but that was a temporary want which should be met by a temporary expedient, and no permanent provision such as that proposed was required. Then, again, with respect to the sum of 250,000*l.* for permanent barracks at Aldershot and the Curragh of Kildare, for the reception of an additional military force, he owned that he could not understand with what ultimate view this money was to be laid out. Was it supposed that we were to become a military nation when peace was restored, and that we were to put ourselves in competition with the great military Powers by keeping up a large standing army? That might perhaps be the intention of the Government, but this he knew, that when the question came to be raised by some worthy successor of his lamented friend, Mr. Hume, the House of Commons would not be induced to vote the money required for such a purpose. He warned the Government that when this war should be at an end, which he trusted would be much sooner than appeared to be anticipated by the Government, they would not be able to have a vast standing army, and by the course which they proposed to take in providing accommodation for it they would only be throwing away the public money. The Government ought therefore to be careful how they raised establishments which that House would certainly reduce after the peace. He doubted whether, after peace was restored, we should even require so large an army to be kept up as had been maintained during the last forty years. We were withdrawing our garrisons from many of our colonies, where the public money had been lavishly and prodigally wasted. He had been appointed one of the Committee upstairs on the Army Estimates, who found upon inquiry that 7,000,000*l.*, or 8,000,000*l.*, or 9,000,000*l.* of money had been wasted in maintaining a large military force in the Canadas, for no other purpose than that they might act as police in a country that ought to pay for its own. Here was this vote of 250,000*l.* for permanent barracks at Aldershot, which might only be required for the present year. He did not wish to undervalue the advantages of the camp at Chobham, and small emcampments of the troops might, no doubt, be useful from time to time, but were the men never to be encamped again under canvas tents, or cotton tents, which, he understood, were an improvement upon canvas? He was favourable to granting every shilling necessary for carrying on the contest with vigour and efficiency; but he would restain the Government from forming permanent establishments of a military character, and which could not be maintained, believing, as he did, that the defensive power of the nation consisted in its maritime supremacy.

VISCOUNT PALMERSTON said, that if he agreed with his right hon. Friend that these were votes for creating great and permanent establishments which would not be required after the momentary emergency had ceased, he would concede to him that the Committee ought not to sanction them. But the contrary was the fact. The great mistake which the Government and Parliament of this country had made since the last peace was, that they had acted by fits and starts, and from the impulse of the moment, rather than from any settled and steady system of policy. It was all very well to say that the permanent defence of this country must be its naval force, and that we wanted no army or troops; but that was a claptrap which the good sense of the right hon. Gentleman ought not to suffer him to use. [Mr. ELLICE: I did not say that we ought to keep up no army.] These votes were part of a permanent system of defence, not providing against any particular danger in one year rather than another, but enabling the country to maintain a proper position of independence. It was perfectly manifest that a great nation like this must have organised within the country some means of defence proportioned to its financial and political condition, and something in addition to its naval force. [Mr. ELLICE: Hear, hear.] Well, that was granted, and it was very well to have some foundation to proceed from in an argument. The great mistake, however, he would repeat was, that after the termination of the last war, the Government and the Parliament considered that halcyon days were beginning, and that we should never again have occasion to defend ourselves from aggression, to vindicate our honour, or prepare for active hostilities. The consequence was, that the Government had rushed to the demolition and disposal of the greater part of its barrack accommodation, the inconvenience of which was, that in time of peace there was not barrack accommodation even for the reduced numbers of the army on the peace establishment, and the Government were compelled to billet the troops, to the great inconvenience of those upon whom they were billeted. No doubt innkeepers received their licences upon condition that troops might be billeted upon them, but there was no denying that this was a hardship upon them nevertheless, and in populous towns it was not only a hardship upon the persons on whom the troops were billeted, but it was also highly detrimental to the discipline of the army. From the inconvenience of billeting large bodies of men in particular towns had arisen the necessity of distributing them in small detachments, scattering them over districts where they were not wanted, and thus seriously injuring the discipline of regiments. Thus, while the Government imposed hardships upon the districts in which the troops were billeted, they also diminished the efficacy even of the regimental system. What had that House heard more strongly urged than that, however good the regimental organisation of the army might be, yet that there were no means of educating officers in the practice of those staff duties that belonged to the aggregation of large bodies of troops? The experience gained at Chobham, where not more than 5,000 or 6,000 men were assembled, had been of the greatest service, as well to staff and regimental officers as to the men, and he was told that those regiments sent to the East which had been encamped at Chobham were so much more handy, and so much better able to shift for themselves than those who had not had the advantage of being in camp, that the difference was exceedingly striking and easy to observe. The Government did not propose such vast establishments as his hon. Friend supposed. They proposed at Aldershot to have the means of collecting together some 7,000 infantry, with a proportion of cavalry and artillery, whereby they would be able every year to train in combined movements that number of troops, which was only a moderate portion of what they had always in the country even on the most reduced peace establishment. With regard to the militia, the greatest inconvenience had arisen from the impossibility of organising that force. He had been taunted by the right hon. Member for Buckinghamshire (Mr. Disraeli) with want of foresight in not embodying the whole militia. The Government did embody as many regiments as it was possible to accommodate in barracks, but they were unwilling, without pressing necessity, to call out regiments which must have been billeted, at a time when better means of discipline were desirable. His right hon. Friend (Mr. Ellice) appeared to think the Government should wait until a time of profound peace before they erected barracks and defended port towns, but it seemed to him the proper moment for making military defences was when they happened to be at war, and when they might be required to use those defences. With regard to Dovor, the arrangment did not at all depend on the circumstances of the day. For several years it had been a subject of remark, that the coast towns had not proper defences. Dovor was considered one of the most important points which required defence. The fortifications of Dovor had been put under a system of progressive repair and improvement. Those western heights had been fortified, but the fortification was useless unless they had the means of lodging men who were to defend it. The casemates were certainly places where, in the event of a siege, they could lodge men, but they were not fit for permanent occupation, and he could assure the Committee that the barracks proposed on the western heights afforded no more accommodation than was absolutely necessary, if they were to have any defensive works at all. With regard to Liverpool and Hull, and several smaller ports, he could assure the Committee that for the last year and a half the Government had been beset with applications from commercial seaport towns to provide them with some means of defence if only to meet the attack of a privateer. When the Committee recollected what an amount of property was aggregated in these places, and how they were exposed to attack, he was persuaded they would be of opinion that the erection of some small batteries to defend them on any sudden emergency was due to the interests of the commercial establishments in those ports. His only astonishment was to find how small a sum, comparatively speaking, was sufficient for their protection. He hoped the Committee would not be led away by the eloquence of his right hon. Friend (Mr. Ellice), but would feel that the Government were not proposing works which would be only wanted for a year, but that these were arrangements essentially necessary for maintaining an army, even on a peace establishment, competent to do the duties which an army was called on to perform. His right hon. Friend was engaged in an inquiry into bad arrangements, resulting entirely from the want of sufficient organisation in time of peace. We had been suddenly called upon to make war, and we found ourselves deficient, not in the bravery of our troops, in the devotion of our officers, in those military qualities inherent in man, or in the ordinary practice which regimental discipline developed and created, but deficient in those arrangements which were only to be acquired by the collection of large bodies of troops practising evolutions which belonged to a system of war. The right hon. Gentleman said—"The Government were not to imitate the great military Powers of the Continent; Parliament will never sanction it." He knew that as well as his right hon. Friend. It was folly to imagine England would ever have large standing armies like those of France, Prussia, or Austria; but, however small the standing army, it should be as good and as perfect, according to its magnitude, as care and arrangement could make it. He contended it was the worst economy, the most improvident system, to have an army and deprive it of the means to make it effective in proportion to its aggregate amount. Whatever they might choose the army to be, let it have the means of practising all that tended to make an efficient force, and when by any misfortune they were compelled again to engage in war they would have the foundation of a good army and the means of augmenting it on a basis which would render it complete, as far as its magnitude would allow it to be so.

Mr. ELLICE said, he did not differ from the noble Viscount as to the policy of endeavouring to render our military force as effective as possible; the more so as it was so small, and in periods of emergency had to form the nucleus of a large organisation; but what he deprecated was an unnecessary extension of our military establishments. As to barracks—this was the first time he had heard of any deficiency, and he had been under the impression that we had ample accommodation for our troops in that respect. [*Cries of* "No, no!"] Certainly our barrack accommodation had been very much augmented, and there were large barracks in different parts of the country. He had never heard complaints as to billeting, and for the last eight years hardly had heard of an occasion for billeting our regular troops. He grudged no expense which the existing emergency rendered necessary, but he feared we were enlarging our establishments beyond what was necessary. He wished that these Estimates had been submitted to a Select Committee up-stairs, to inquire whether there was sufficient barrack accommodation for the usual number of troops, and, further, what temporary accommodation was required for the enormous augmentation obliged to be made in war time, including, of course, the largest of all augmentations, the militia. He placed confidence in the Government, and should make no opposition to the Vote, but he thought it his duty to warn the Committee before it embarked in establishments which he did not believe to be at all necessary for the permanent accommodation of our regular force.

SIR JOHN TROLLOPE said, he was glad to find that the Government were, though too tardily, about to adopt a system of greater concentration in our army at home. He had himself been some years in the army, and his experience enabled him to state that nothing was so injurious to the discipline of a regiment as to fritter it away in small detachments, or to place the men on billets in public-houses. And if this was prejudicial even to regular and trained troops, how much more so must it be to newly-raised levies like the militia—raw and undisciplined as they necessarily must be? It was a system equally injurious to them and detrimental to the inhabitants of the districts in which they were billeted. The camp to be formed at Aldershot had great advantages for the militia and the army at large, and he believed it was intended to form a permanent military station; if so, certainly it was being constructed very hastily and superficially, and in such a way (the wood being fixed in the ground instead of being raised on a brick footing) that it would not last above three or four years, and enormous expense would be incurred in repairs; whereas, for a little more money, it might be constructed durably and properly. Great injury and inconvenience arose from the old system of having the troops scattered up and down the country, as a kind of aid to the police: occasionally called out to assist the Coast Guard or preserve the peace of manufacturing towns. It was necessary that such a system should cease, and he thought the collecting the troops together in camps would be of the greatest advantage to the service. The noble Lord had referred to the state of the defences of some of our commercial ports, and he was happy to hear the Government were about to fortify Liverpool and Hull. As to Hull, the Humber was more defended, at present, by its sandbanks than by any fortifications; and the late First Lord of the Admiralty, sailing down the river to inspect the place, had found his vessel stuck fast on a shoal. The inhabitants had been very uneasy at the defenceless state of the place. The only fort at present existing had been in the same state ever since the time of the civil war, 200 years ago. The site of it was not well chosen, and would afford no sort of defence to the town in the event of an attack by an enemy. At a very small expense a battery might be erected, which would afford effectual protection to the town, and, if the site of the old fort were sold, he had no doubt but that it would be sufficient to defray the expense of the new fortification.

MR. MONSELL said, he was happy to be able to inform the right hon. Baronet that his views with respect to the town of Hull were at this moment being carried out. A portion of the Vote of 48,000*l.* for fortifications would be spent upon Hull. The Government had considered it inexpedient to dispose of the site of the old fort of Hull until the new fortifications were completed. It was, however, their intention, as soon as that completion was effected, to sell the site, which he believed with the right hon. Baronet, would realise a sum sufficient to pay the expense of erecting the new defences; a work that would not only be of most important service to the country at large, but most acceptable to that particular part of the kingdom.

COLONEL KNOX said, he considered that the Government had taken a wise and proper course with regard to the erection of new barracks at Aldershot. He went down himself the preceding day and saw the whole arrangements, and he thought they were being carried out on a plan which would prove highly beneficial to the country. He, however, concurred in the suggestion of the right hon. Baronet (Sir J. Trollope), that the timber, instead of being laid on the bare ground, should be supported by a foundation of brickwork. It might be done at a small expense, and would make it a permanent building. He was surprised that the right hon. Gentleman the Member for Coventry (Mr. Ellice) should take objection to this expenditure for erecting new barracks. If there was one thing more than any other that had been a crying evil in the army for a long series of years, it was the want of barrack accommodation. He would only instance what was the state of things in the metropolis itself. So inadequate was the accommodation for the troops that at a memorable period, when there prevailed great excitement in this metropolis, and a large number of troops were assembled here, Her Majesty's horses and carriages were absolutely obliged to be removed to Windsor, in order to afford barrack accommodation for those additional troops. The whole amount of barrack accommodation in London would not meet the requirements of more than 3,000 men, while the brigade of Foot Guards alone consisted of 7,000 men; and there was not a single barrack to which in a time of popular excitement or riot they could lodge a battery of horse artillery in. He could not forbear calling attention to that disgraceful building called the Portman Street Barracks. It was nothing more or less than a villainously bad stable, and totally unfit for any men to be quartered in. And yet the rent of it, he understood, was perfectly enormous. He wished to know whether it was the intention of the Government to build another barrack on the site of the present? He was also much surprised that the right hon. Gentleman (Mr. Ellice) should have said that there was ample barrack accommodation throughout the country. He could point the right hon. Gentleman's attention to a place on the coast of some importance, where it would be requisite to have a barracks erected—he meant Brighton. He therefore hoped the Government would pay proper attention to the subject of barrack accommodation, the want of which throughout the country generally, as well as in the metropolis, had been felt for many years; and he was glad that the Ordnance had shown a disposition to grapple with the subject.

Colonel LINDSAY said, he wished the Government would inform the Committee when the Portman Street Barracks were to be given up. He should also be glad to hear some statement of the general intentions of the Government with regard to the important subject of barrack accommodation. New barracks, he perceived by the Vote, were to be erected at Dover, at a cost of 60,000*l.*; at Plymouth, for 9,000*l.*; at Winchester, for 18,000*l.*; and at Gosport, for 61,000*l.*; making a total expenditure, under this head, of 148,000*l.* He wished to know on what principle they were to be built, and whether the old system was to be adopted? He gave the Ordnance credit for what they had already done in increasing the comfort of the soldiers, but he could not help thinking that, if the Committee appointed last year on the subject of barrack accommodation had sat, the result of their labours would have been most beneficial. Both the public and the House of Commons had recently had an opportunity of seeing what noble materials the British army was composed of, and in his opinion nothing which could tend to improve their social condition when on home duty would be thrown away upon them. They deserved well of their country, and their barracks were at present not sufficiently commodious for them; it was, therefore, the duty of the Government to make them so. He thought one means of accomplishing that object would be the establishment of a day-room, in which the men could associate together, and read or write without inconvenient crowding. He deemed it highly objectionable that a system should be continued which allowed women to reside in barracks; and, although he was aware that lodging-money was allowed by the Government, it was not sufficient to provide the requisite accommodation. He was glad to see gas was to be introduced in barracks; he had always felt that it would increase the comfort of the men, and some years ago he had called the attention of the House to the subject. He wished to know whether the Government intended to alter the present canteen system, which he considered highly objectionable? The subject of providing the means of rational amusement for our soldiers was of great importance, and, as he observed a sum of 900*l.* put down for a gymnasium for the Artillery at Woolwich, he thought, wherever it was practicable, something of the kind ought to be done for the other branches of the army.

Sir JOSEPH PAXTON said, the other night, when the first Vote on these Estimates was proposed, he stated that, in addition to the great difficulties which the contractors would have to contend with in the building of the huts in the short space of six weeks, the specification contained materials which could not be procured in this country, and in answer to the noble Lord the Member for Totness (Lord Seymour), the hon. Gentleman the mover of the Estimates said there was no difficulty in procuring these materials. Now, he should like to know if these huts were being erected according to the specification, and if Government were aware that the deals which were specified, and which contained about two-thirds of the whole of the timber, were Christiana deals. He thought it would be a great waste to put the timber on the ground; but if the huts were built on piers, he had no doubt that they would last twenty or thirty years. On a previous evening he had complained of the loss of time which had taken place; and he still thought that if the works had been commenced as early as they might have been, there would have been no occasion for the hurry which had characterised the operations of the Government. He had also to complain that the contracts had not been let in a business-like manner. The ordinary mode, when a great work had to be executed, was to provide plans, specifications, and bills of quantities. Some sort of plans, indeed, there had been, but there had been no bills of quantities—the contracts having been let on a schedule of prices. Bills of quantities, however, he regarded as absolutely necessary, in fairness to the persons who might be disposed to tender.

Lord HOTHAM said, he was quite sure that the Committee—if they were aware of the present state of the port of Hull—would not be surprised at the anxiety expressed by the inhabitants of that town with respect to its defenceless condition. It should be recollected that Hull is the great emporium of the trade of the north of Europe, and of late years there had been a great deal of accommodation furnished by the dock company of that port. They were now engaged in hostilities with Russia, and it was not surprising that a strong desire should be evinced to place the enormous amount of property congregated in that port in something like a position of security. When they considered the extent to which projectiles could now be thrown, it must be perceived that the port of Hull might as well be without defences at all as left to depend for its defence on the present fortification. If a hostile force should come up the Humber, the walls of the fort would be in as much danger from the recoil of the few guns upon it as from the fire from the enemy's vessels. He was, consequently, glad to hear of the measures which the Govern- were about to adopt with respect to this port, which had been too long left in a very improper state.

Mr. MASTERS SMITH said, he wished to call the attention of the Committee to the Vote for the defence of the River Thames; and also to an item for 2,000*l.* for the erection of buildings for the accommodation of military lunatics at Fort Pitt. It seemed contrary to common sense that a lunatic asylum for the whole army should be placed in the middle of Fort Pitt, where unfortunate invalids were now experiencing comfort after their return from the Crimea.

Sir GEORGE TYLER said, he had urged upon the Government the necessity of establishing defences along the coast, and did so with the conviction that the Bristol Channel was not sufficiently defended. He had called attention particularly to the ports of Cardiff and Swansea, and he hoped a portion of the grant intended for the protection of harbours along the coast would be applied to the defence of those two ports to which he referred.

Mr. W. WILLIAMS said, that the misfortunes which had befallen our troops had created so great a feeling of sympathy that nobody had made the least objection to any proposition of the Government. He thought, however, that Her Majesty's Ministers had taken advantage of the feeling of the House to bring forward items that were quite uncalled for, and that were upon a scale the most extravagant. Thus, he found in the Estimates for the last and the present year no less a sum than 871,000*l.* for building new barracks, and 285,000*l.* for repairing old ones; to this must be added 300,000*l.* for the huts, which, as they would last for twenty years, must likewise be reckoned as barrack accommodation, making a total sum of not less than 1,456,000*l.* for providing accommodation for an army which had never exceeded, if indeed it had ever reached, 60,000 men. That would give 25*l.* per man, whereas the cost of comfortable labourers' cottages was not more than 60*l.* each. Surely, then, the soldiers ought to be better housed than almost any other class in the community; and yet they were always hearing complaints of the insufficiency of the accommodation provided for them. There must be something wrong somewhere, and he thought that there ought to be a Committee to inquire into the subject. Again, it was proposed to vote 500,000*l.* for new fortifications. Of that sum only 12,000*l.* was proposed to be spent on Liverpool, in addition to 1,000*l.* for barracks, and only 10,000*l.* on Hull. And yet those two places had been strongly put forward by the noble Lord (Viscount Palmerston) in justification of the Vote. Colonels of militia were generally very anxious to have their men placed in barracks, but he (Mr. Williams) did not think that it was desirable to take that course. During the last war, a militia force double that now called out was embodied; and where were they lodged? They were billeted on the public-houses; and that was what he recommended the Government now to do. If they did so, when the force was reduced or abolished, they would have no difficulty in dealing with the places where the men had been billeted; but if they built barracks for them, those barracks would be a perpetual source of expense and loss. If a return of the sums expended on barracks during the last twenty or thirty years could be procured, the public would be astonished to see the vast sums which had been spent in this way, notwithstanding the constant complaints which they had heard of the insufficient accommodation provided for our troops.

Mr. MONSELL said, that a great number of the militia had been lodged during the last war in barracks, which a false economy had led previous Governments to get rid of. At this very moment they were building new barracks at Winchester, whereas an edifice which would have supplied a much larger amount of accommodation had been sold, for a miserable sum, by one of his (Mr. Monsell's) predecessors, about the year 1833. It would be well if the Committee would take warning for the future from the experience of the past. He (Mr. Monsell) had lately had his attention strongly drawn to the subject of lodging the troops, and the result of his calculations had been that supposing the regular forces to remain on the footing on which they stood a month ago, there would be a deficiency of accommodation to the extent of 70,000 men. Under these circumstances, it appeared to him that the wisest course would be to erect those temporary buildings of which they had heard so much. He believed that it would be the cheapest measure they could adopt, and it would afford the troops the advantage of being exercised in large masses. With respect to the sum which was to be expended on the defences for Liverpool, he could assure the hon. Gentleman (Mr. W. Williams) that it would be 34,000*l.* in all. The observations of the hon. Member for Coventry (Sir J. Paxton), as to the materials of the huts, he had already answered—the deals were to be either Christiana, Memel, Riga, or Dantzic, and he was informed that about a month ago there were 20,000 loads in this country. The hon. Gentleman had referred to the rapidity with which these works were required to be executed, but up to that moment the Government had not obtained possession of the whole of the land at Aldershot. It was only determined to purchase the heath about a year ago, and there had been great delays in obtaining possession of it owing to the complicated rights of common involved. During the present week, however, they acquired land enough to justify the commencement of the building; therefore, the Committee would see that it was impossible for them to have begun at an earlier period. A Committee had been appointed by his noble Friend, Lord Panmure, which had put itself in communication with the most experienced builders in the country, and he had no doubt that the new huts would be constructed upon the most approved models. He quite agreed with the hon. Member for Coventry with respect to the injudiciousness of placing the huts on the bare earth, and he would take care that that was not done. In reference to the question of the hon. and gallant Member for Glamorganshire (Sir G. Tyler), he was happy to say that the Government fully appreciated the rising importance of the commercial ports in that county. They had given directions that Cardiff and Swansea should be included amongst the first that were to be fortified, and the others would be attended to in due course. The large works at the mouth of the Bristol Channel would afford a further protection to Glamorganshire. The hon. and gallant Member for Wigan (Colonel Lindsay) appeared to think that some partiality had been shown to the artillery with respect to means of amusement, but he would remind the hon. and gallant Gentleman that the barracks intended for the other troops were to be provided with racket grounds. It was quite true that the canteens had only been let till the 1st of September, and the reason was that the Government were anxious to introduce some improvement into the canteen system. All the proposed barracks would be constructed on the newest principles, and every available improvement would be introduced. He entirely concurred with the hon. and gallant Gentleman (Colonel Knox), who had referred to the state of the London barracks. The Portman Street barracks, indeed, were only kept on from year to year, until a new building could be provided; but the difficulties connected with the obtaining of a suitable site had as yet proved insuperable. With respect to the Thames fortifications, he was hardly prepared to give an answer to the hon. Gentleman (Mr. Masters Smith), but he should be glad to afford him any information in private. It had been decided to send the lunatic soldiers to Fort Pitt, but the Ordnance had no authority in the matter; and he must, therefore, refer his hon. Friend to the Secretary of State for War upon that point.

Sir JOHN BULLER said, it was the fault of preceding Governments that such a large expenditure was now required for providing barrack accommodation. In the place where his regiment was stationed there were only a few small barracks for the reception of the men, and the great outlay for barracks was now absolutely necessary. A large sum was expended on the lines at Plymouth, and it must be considered that that money was thrown away. When the lines were condemned by the late Duke of Wellington, it was to be regretted that such an expenditure had taken place. He wished, in conclusion, to draw attention to the absence of warm water, or warm baths, in the military hospital at Devonport. He thought it would be of great assistance to the sick and wounded arriving from the Crimea if some accommodation of that sort could be provided.

Mr. COWAN said, he wished to remind the hon. Gentleman the Clerk of the Ordnance that all along the eastern coast of Scotland, where there was a vast amount of capital engaged in the pursuits of industry and commerce, there was nothing whatever in the shape of a fortress to serve for its protection. And yet, of this large sum now to be voted not a single shilling was to be applied to that purpose, unless, indeed, something was included in the vote of 48,000*l.*, which was for the defence of commercial harbours. Perhaps he might be allowed to ask whether a proposal had not been made within the last year to Government by a gentleman named Anderson for the erection of six or seven fortresses along that coast at an expense of about 20,000*l.* He had been given to understand, at all events, that that gentleman had been directed to make certain surveys, and prepare a plan for the fortification of the island of Inchkeith, which lay mid-channel in the Frith of Forth. The survey, however, made, in the first instance, was rejected by the Ordnance officers as not being sufficiently minute, and he was directed to make another. This was done, but on Mr. Anderson applying subsequently to be reimbursed for his expenditure—he made no claim for remuneration for himself—his claim was rejected by the Government. Now, really it did strike him as something very unfair that this gentleman should be invited to incur a certain expense, and that his demand for repayment should not have been favourably entertained.

Colonel NORTH said, he begged, in the first place, to offer his thanks to Government for their efforts to render the army more efficient. He was quite able to confirm the statement which had been made with respect to the condition of the barracks at Plymouth and Devonport. Some five and twenty years ago he was quartered in that part of the country, and he could assure the Committee that at that time they were condemned as being in a most disgraceful state. Well, about three years back he was again there, and he found the barracks in precisely the same condition. The troops could hardly remain within them in consequence of the smoke, while the drains could not do their work in consequence of the insufficient supply of water. Indeed, the condition of things was perfectly intolerable. He hoped the Government would take into its consideration the suggestion of the hon. and gallant Member for Huntingdon (General Peel) with regard to the employment at Aldershot of the senior officers of departments at Sandhurst, in order that they might become practically acquainted with their duties. He was quite sure it was a suggestion well worthy of consideration, and he thought, if carried out, it would prove most useful to these officers.

Mr. DUNLOP said, he trusted that, taking into consideration the immense amount of shipping in the Clyde, the Government would see the necessity of rearming the fortress of Dumbarton.

Sir DE LACY EVANS said, he wished to impress on the Committee the expediency of improving the accommodation of barracks as they existed at present, for he believed they were very limited. There was no doubt that it was a false economy, and it operated very injuriously, especially with regard to the recruiting service, to have barracks without the necessary accommodation for the troops. Three or four years ago, a Commission was sent by the Government to inquire into the state of the barracks in Prussia, France, and other continental states, and report thereon. That Report was made, but it had never been laid before Parliament. He had no doubt that Report showed a decided advantage for the soldiers of France, Prussia, and two or three other countries, over the British soldier, as to the accommodation afforded them in barracks. There were some hon. Gentlemen holding office who entertained the notion that it was better to accustom the British soldier to hardships in barracks than to provide him with ordinary comforts. It was thought, indeed, that such a training would better enable him to rough it in foreign service, but he doubted that very much, because the officers, when they were obliged to rough it, were able to do so quite as well as the privates. The fact was, the system which those Gentlemen advocated was not only injurious to the health of the soldiers, but it also deterred men of a better class of society from entering the army. Now the importance of this question could hardly be overrated, because experience had always proved that an army selected from a better class of men was far more efficient than an army raised from the lowest orders of the people. We had several instances of this in our own country. One was, doubtless, familiar to every one in that House. There was a consultation between Oliver Cromwell and some of the other great men of that time, as to the difficulty which they had in getting troops who were capable of resisting the cavaliers, at the commencement of the civil war; and it was represented that the persons who then composed the Parliamentary army were tapsters and people of the inferior classes, who could not resist in the field the sons of peasants, and the better classes who had enlisted under the Royal standard. Now at the present time there was a difficulty in getting the sons of farmers and shopkeepers to enter the army, and the inferior accommodation in the barracks was one of the obstacles. These classes, as well as the officers, were quite prepared to meet the difficulties of a campaign, to be without tents, and to lie upon the ground when necessity required—but for a long continuance at home they would probably improve the moral composition of the army materially, by letting people know that they would not be kept in a state of physical discomfort unnecessarily. Depend upon it, if Parliament wished to raise the moral condition of the army, the barrack accommodation must be improved; and that being so, he for one, could not understand the reluctance which Government invariably evinced to bringing these portions of the estimates prominently forward. It was absurd to think that in this metropolis, the greatest that ever existed in the world, there was only barrack accommodation, and part of that of the worst description, for about 3,000 men. Besides, it was notorious that there were one or two barracks in the metropolis which were totally unfit for the maintenance of the health of the troops. Medical men who had directed their attention to the subject had stated that it required a certain number of cubic feet of air for the preservation of health—the number he believed was 800 feet per man—and yet there were several barracks in the metropolis which did not contain half that quantity of air. From time to time very little progress had been made in this matter. He would suggest, now that military matters were more attended to, from the urgency of the state of national affairs, that the Report to which he had referred should be laid before the House. He believed that Report had been made by the chaplain-general, who was partly a military and partly a clerical authority; for he had been originally in the army. He knew that a Report had been drawn up at the public expense, and the Executive Government had no right to withhold it from the House. He hoped that the hon. Gentleman the Clerk to the Ordnance, who had probably not heard of it before, would inquire about it, and ascertain whether there was any objection to its being laid before the House. He believed that Report would prove that the continental governments paid more attention to this subject than we did, and expended more money on barrack accommodation. With regard to the camp at Aldershot, he had been rather surprised to hear the magniloquent speech of the hon. Member for Coventry (Sir J. Paxton) which led him to suspect that a general election was near. That hon. Member seemed to say that this was a maritime country, and only a maritime country. At all events, it was admitted that we had now sufficient military means; and to say that our maritime resources were all that was required for our defence was a little too strong. It would be most inconsistent, after voting 120,000*l.* last year for the purchase of land about Aldershot, which he thought extremely wise and judicious, if they were to prevent the executive Government from carrying out the object comtemplated by that purchase.

MR. W. BROWN said, he merely wished to direct attention to some huts open for inspection at Willis's Rooms. These huts each contained twenty-two feet of space, and could be divided into four parts; the whole weight was eighteen cwt., while they had stoves and glass windows. Besides this they were double boarded and lined with India rubber, and he had seen them taken down in four minutes and put up in eight; their total cost being 22*l.* 10*s.* per hut.

COLONEL DUNNE said, he believed that our present system of barracking was attributable in a great measure to our system of quartering troops. If a plan were adopted of concentrating the troops the saving to the country would be immense, and he could not, therefore, but regret that the barracks at Aldershot and the Curragh were merely intended for a temporary purpose. With reference to the vote for the additional barracks at Dovor, he wished to observe that he could see no reason why the troops stationed there should not be lodged in the casemate barracks as well as at Malta and Corfu, whereas every one who had been quartered there knew the casemates were not so occupied. He thought, however, that the expenditure would be much more judicious if the money were allotted to erecting permanent barracks at Aldershot, and in addition to that, he believed it was wrong in a military point of view to concentrate a large body of troops at such a place as Dovor. As regarded the barracks at Sheffield and Preston, although they are not perfect, still a great deal of money had been expended on them. Indeed, those at Sheffield had cost, as he had been given to understand, as much as 100*l.* a man, while troops were retained there merely for police purposes. Now, what he contended for was that if these towns required the presence of military for such objects they should be made to contribute to the expense of lodging them. Such, at all events, was the practice in France. The hon. and gallant Member for Wigan (Colonel Lindsay) had called attention to the canteen system. There could be no doubt it was perfectly disgusting as carried out abroad; for there the Government farmed the whole, and the worst wines and spirits were served to the men that some saving might be effected for the Government. There could be no doubt there was the greatest possible want of economy in the system adopted of getting rid of barracks and the taking them up again. Some time ago the barracks at Fermoy were sold for a poor-house. Now, however, they were taken back again, and a large additional expense had to be incurred. He would also like to know from the hon. Gentleman the Clerk to the Ordnance, why it was that the Government had purchased houses in Ship Street, Dublin, for the purpose of barracks, which was confessedly one of the very worst situations in that city. With respect to the hospital to be erected at the Tower, he saw likewise that a vote was required for building a store there also. Now as there was only room for one of these within the walls, he wished to know which of these buildings was to be placed there. And, lastly, perhaps the hon. Gentleman would tell the Committee when the barracks in Portman Street would be given up, and where a substitute was to be found for them.

MR. OTWAY said, it was impossible to look upon this Vote without some amount of consternation, when they saw that something like 1,500,000*l.* had been devoted in this and last year to the repair of barracks, and to new works in connection with them. It seemed to him very desirable that the troops should, as far as possible, be lodged in barracks and not be billeted, and if the people of this country were to be called upon to contribute so large a sum as this, they were entitled to expect that the troops should be so lodged. He would call the hon. Gentleman's (Mr. Monsell's) attention to an item of 2,000*l.* for the accommodation of military lunatics at Fort Pitt, and he wished to know whether at a more reasonable price, and with more comfort to themselves, the patients lodged might not be placed in private asylums there?

MR. APSLEY PELLATT said, he wished to have some explanation of the item of 3,560*l.* for the erection of chapel schools at Sheerness. He wanted to know whether a school or a chapel was required; and if the latter, would there be any additional expense in providing a chaplain? There was also an item of 6,000*l.* for officers' new barracks at Sheerness. What did that mean?

Mr. MONSELL said that there had been some new barracks built for the soldiers, and now there were new ones required for the officers who commanded them. As to the item for chapel schools, the building would be used as a school on week days, and for the purpose of celebrating divine service on Sundays; but there would be no extra charge for the services of a chaplain. That matter was not in his department, and therefore he should not offer any explanation of it. In answer to the observations of the hon. Member for Southwark (Mr. A. Pellatt) with respect to the officers' barracks at Sheerness, he begged to say that there were no barracks at present existing which could be used for the accommodation of the officers, and it was therefore intended to provide them now. The hon. and gallant Member for Portarlington (Colonel Dunne) complained that the barracks at Aldershot were temporary; but the truth was, that they proposed to erect permanent barracks for 10,000 men, which would be constructed according to the most approved plans followed in France and Belgium, as ascertained by the Commission of engineer officers. He quite agreed with the hon. and gallant Member, that it was extremely desirable to promote the comfort of the soldiers in barracks, and that object had not been lost sight of in the present estimates. With respect to the Ship Street barracks in Dublin, a sum of 5,000*l.* had been already expended; they had commenced the concentration of troops in that city, and hoped that the system might be found advisable in future years. As regarded the means of defence for harbours, he was happy to assure the hon. Member for Edinburgh (Mr. Cowan) that Scotland had been very liberally treated. At Dunbar the whole battery was to be restored, at Leith considerable fortifications were to be erected for the defence of the harbours and roads, and at Arbroath, Aberdeen, Peterhead, as well as in the Orkney and Shetland Islands, and in the Clyde, the old batteries were to be restored and new ones constructed, whilst at Banff the question of restoring a battery was under consideration. With regard to the Tower, certain storehouses, which were absolutely necessary, would be erected, as well as a hospital outside, which would not interfere with the stores.

Mr. ADDERLEY said, that in reference to the Votes for works in the Colonies, he thought it was high time that the Cape of Good Hope, which had now a representative government, should undertake works for the defence of its own frontier. The only forces calculated to keep that country quiet, and to meet the attacks of the Kafirs, were the local forces to be raised there. The Government should not encourage the colony to lean any longer upon England for its defence. A similar course ought to be taken in respect to Canada and Australia. In respect to the erection of barracks at Williamstown, Port Natal, Quebec, and other places, he thought that, as a principle, it was most essential that the Committee should come to some general conclusion upon those items in the Votes. He hoped that the few words he had said would be deemed deserving of the attention of the Government, and that they should not find such Votes in the Estimates of next year.

Mr. MONSELL said, he could assure his hon. Friend that the attention of the Government had been directed to the subject. They had taken steps this year to withdraw the garrisons from all places in Canada, except Quebec and Kingston. In Australia, the military force was at present about one-fourth of what it was. In regard to the Cape of Good Hope, the necessity of the large expenditure proposed arose from the removal of the head-quarters to Graham's Town. It was impossible to effect the desired object at once, but considerable progress towards it had been made.

Mr. BAILLIE said, what his hon. Friend (Mr. Adderley) complained of, was the cost of erecting barracks at the Cape. His hon. Friend said, that if we pay for troops at the Cape, surely it was not too much to expect that the colony would furnish them with barrack accommodation.

Mr. JACKSON said, he concurred in the view of the hon. Member for North Staffordshire (Mr. Adderley). With regard to the various items of the present Vote, there were some which appeared to him to be very extravagant. There was one item of 250*l.* for making two water-closets. In any new barracks to be constructed he trusted that ample space and room would be allowed, so as to provide for the health of the troops.

Mr. MONTAGUE CHAMBERS said, he believed that the vast total of the Estimates arose from the large number of small items which usually passed unnoticed. In offering the contracts the most ample information should be laid before the public, so that men might come forward to tender immediately, and that there might be no room for favouritism. He should like to know whether it was the expectation of the Government that the war would be of long continuance. If they did not, where was the necessity of providing barrack accommodation for 70,000 men. As the Cape of Good Hope had been mentioned, he begged to observe that there were two regiments there which had seen some service, the 45th and 73rd, and which, as they had served their period of colonial service, might be made available for the operations in the Crimea.

MR. LABOUCHERE said, he had no wish to object to the providing of sufficient barrack accommodation, but he should like to know whether, before this estimate was framed, a general survey of the barrack accommodation of the United Kingdom had been made; and if so, whether any Report had been made, and whether there would be any objection to lay such Report on the table?

MR. MONSELL said, the most minute and careful calculations had been made on the subject. It had been already stated, that there would be a deficiency in barrack accommodation to the extent of somewhere about 70,000 men, when the whole of the militia were embodied. Although a large sum was taken for lodging 50,000 men in temporary barracks, there would be no necessity for proceeding with the permanent barracks more rapidly than they were required. Permanent barracks for 30,000 men were now in progress, and although the Government had proposed votes which would enable them to provide permanent barrack accommodation for 20,000 additional men, those barracks would not be erected unless it were found they were likely to be wanted.

LORD SEYMOUR said, he wished to know what was the amount of barrack accommodation for infantry and cavalry already available in the country, and what was the number of troops which would require such accommodation when all the militia were embodied? They would then know what their position really was with regard to barrack accommodation. He thought it was most desirable that the whole subject of barrack accommodation should be carefully reviewed, and that they should get rid of the numerous old and detached barracks which were spread over the country. As the contract system had been alluded to, he must say he thought there was a great deal of deception with respect to the cheapness of contracts. The Government often found themselves bound by contracts which, although they had been supposed very advantageous to the country, proved to be very expensive. Indeed, it had been stated by Mr. M'Culloch, before a Committee upstairs, that the contract system, unless it was carefully conducted, allowed more jobbing and cheating than any system that could be devised.

MR. MONSELL said, that it would probably be his duty, in the course of a few days, to explain certain alterations about to be made in the Ordnance Department, by which he hoped that any faults existing in the present contract system would be entirely removed. The subject of barrack accommodation had received the careful attention of the Government during the last year, and changes were in contemplation which would involve the abandonment of the detached barracks, many of them not affording accommodation for more than 200 men, which he regarded as a pest to the country, and as objectionable, not merely on economical, but upon social and political grounds.

MR. JACKSON said, he wished to know upon what Report of the Ordnance Department the hon. Gentleman had made his estimates?

MR. MONSELL said, that the cost was founded, in the first instance, upon the estimate made by their own officer, and afterwards upon the amount of the temporary barracks already contracted for.

MR. FITZROY said, it appeared to him that there was great dissatisfaction felt both as regarded the locality and the requirements of the service to much of the barrack accommodation throughout the country. He hoped that the subject of barrack accommodation generally would be now carefully considered. He hoped that the new barracks would be erected only in those large and open spaces where ample room would be afforded for large masses of soldiery acting together.

Vote *agreed to*; as was also—

(2.) 158,196*l.*, Scientific Branch.

(3.) 197,657*l.*, Non-Effective Services.

COLONEL NORTH said, he wished to

ask whether any plan was under consideration for bestowing a mark of approbation on the subaltern officers of the artillery corps for their distinguished services in the last campaign. From the rules of the service it was impossible to promote these officers. Four captains had been promoted to majorities, but the subalterns had received no reward. He would suggest that a system might be introduced similar to that adopted in the navy, with regard to mates, of noting subalterns who distinguished themselves for promotion to brevet majorities as soon as they attained the rank of captain.

Mr. MONSELL said, the hon. and gallant Member must be aware that he had no control in the world over that matter. He could only promise to bring the suggestion under the notice of the proper authorities.

Vote *agreed to.*

The House resumed.

LUNATIC ASYLUM (IRELAND) ADVANCES BILL.

Order for second reading read;

Motion made, and Question proposed, "that the Bill be now read a second time."

Mr. SULLIVAN said, he should give his utmost opposition to the Bill, unless the Government made a candid statement of their intentions.

Mr. POLLARD-URQUHART said he must also demand an explanation from the Government, and he should therefore move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now,' stand part of the Question."

The CHANCELLOR of the EXCHEQUER said that he thought the most satisfactory way of dealing with the Bill would be to allow it to be read a second time that evening. Before it went into Committee such alterations might be made in the Bill as would meet the views of the Irish members, whose suggestions for rendering it more effective the Government would be happy to receive.

Mr. Serjeant SHEE said, he thought the course which had just been proposed by the right hon. Gentleman would scarcely prove satisfactory, inasmuch as the suggestions of the Irish members might have no weight in inducing the Government to alter those opinions with reference to the Bill which they had no doubt conscientiously formed. For his own part, he thought that the best course to adopt would be, to refer the Bill to a Select Committee.

Mr. ROCHE said, he hoped the Government would give them a Select Committee on the subject, and if they acceded to that proposal he trusted his hon. Friend (Mr. Pollard-Urquhart) would withdraw his amendment.

The CHANCELLOR of the EXCHEQUER said, his desire was to contribute to the settlement of this question, and, therefore, he had suggested that there should be a conference between the Government and the Irish Members on the subject. If the result of that conference should not be satisfactory to the Irish Members, he did not deny their right to move for a Committee, or to take any other course which might appear to them to be necessary. After the conference those hon. Gentlemen would stand in the same position as they did at present. All he wished was that an intermediate conference should be held in order to see whether the grounds of difference could not be arranged.

Mr. DISRAELI said the Bill appeared to him to be a Bill of indemnity to the Government. Such a Bill, if not viewed with suspicion, ought at least to be looked at with considerable vigilance by that House. Some hon. Members, it appeared, thought it would be convenient to discuss the matter at the Treasury Chambers, imagining that the difficulties which now existed would then disappear, and that was evidently the opinion of the right hon. Gentleman the Chancellor of the Exchequer, but in the mean time he asked the House to read the Bill a second time. He (Mr. Disraeli) did not object to the propriety of Ministers of the Crown cultivating a frank acquaintance with Members of the House; but it was preposterous, when difficulties arose, that a Minister should propose to make those difficulties vanish by private communications behind the Speaker's chair or at the Treasury, asking the House at the same time to assent to the principle of the measure. The proper course would be to postpone the second reading of the Bill until the difficulties could be settled. Nothing could be more inconvenient and unconstitutional than the habit, which was growing into a practice, of conducting public affairs, not with reference to the opinion of the House of Commons or the House of Lords, but by an understanding to be arrived at between Ministers and private Members of Parliament under the influence of official quarters. If the right hon. Gentleman really believed that grave objections existed to the measure, and that they might be removed by frank explanations of a private character, he was justified in taking the course which he proposed; but he was not justified in now pressing the Bill to a second reading.

VISCOUNT PALMERSTON said, if he understood the matter rightly, this was not exactly a Bill of indemnity to the Government. He believed the irregularity had been going on for a considerable time, and was equally applicable to other Governments. The difference which existed was more in appearance than reality. The Bill could not be referred to a Select Committee until it had been read a second time, and, therefore, in order to attain the object sought by hon. Members, it was necessary that the Motion for the second reading should be agreed to. If no agreement were come to between the Irish Members and his right hon. Friend the Chancellor of the Exchequer, it would then be as competent for any Member to move the reference of the Bill to a Select Committee as it was at present.

MR. SEYMOUR FITZGERALD said, he thought that there ought to be a distinct understanding that if an agreement were not come to, the Bill should be referred to a Select Committee.

MR. GRANVILLE VERNON said, he would add his voice to that of the Irish Members, in hoping the Government would adopt the reasonable course suggested.

MR. HORSMAN said, there had been some misunderstanding on the subject; if, on a conference with the Chancellor of the Exchequer, the right hon. Gentleman did not think it necessary to make the desired changes in the measure, there would be no objection to refer it to a Select Committee.

MR. POLLARD-URQUHART said, upon that understanding he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Friday* next.

The House adjourned at Eleven o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, March 12, 1855.

MINUTES.] *Took the Oaths.*—The Marquess of Hertford.

PUBLIC BILLS.—1ª Ecclesiastical Courts; Marine Mutiny.

2ª Mutiny; Tea Duties Decline Suspension; Secretaries and Under Secretaries of State (House of Commons).

Reported.—Exchequer Bills (£17,183,000).

THE CAVALRY CHARGE AT BALAKLAVA.

THE EARL OF LUCAN: My Lords, I am anxious, before I make the Motion with which I propose to conclude, to read two letters. The first is addressed to me by the Adjutant General, in answer to the application I made for a reconsideration of my case, in consequence of the new charges brought forward against me by Lord Raglan, and is as follows—

"Horse Guards, 12th March, 1855.

"MY LORD,—I have had the Honour to lay before the General Commanding in Chief your Lordship's Letter of the 5th instant, in which you express with increased Anxiety your earnest Desire, in consequence of the perusal of Field Marshal Lord Raglan's Letter to the Duke of Newcastle of the 16th December, 1854, that your Lordship's whole Conduct at Balaklava on the 25th October last may be investigated by a Court martial.

"I am desired to assure your Lordship, that the General Commanding in Chief has given to your Case the most careful and deliberate Consideration, and his Lordship sees no grounds for altering the Decision which has been already communicated to your Lordship, that he cannot recommend that your Conduct on the 25th October should be investigated by a Court-martial.

"I have, &c.

"(Signed) G. A. WETHERALL, A.G.

"Major General the Earl of Lucan, &c. &c."

To this letter I have sent the following reply—

"Hanover Square, March 12.

SIR,—I have just had the honour of receiving your letter informing me that the General Commanding in Chief adheres to his decision not to allow my conduct on the day of the action at Balaklava, the 25th of October last, to be investigated by a court-martial, as I earnestly prayed. I venture to remark, that it is unprecedented that charges so damaging to a general officer, imputing to him, as they do, inattention to one order, misconception of a second, and incapacity to execute the instructions he had received, should be brought against him by his Commander in Chief without an opportunity of meeting them being afforded to him. These charges are now for the first time brought against him by his Commander in Chief without an opportunity of meeting them being afforded to him. These charges are now for the first time brought under my notice, four months after the event, and are of so grave a character that, if well-founded, they should have incapacitated me from being continued for one hour longer in a command for which I had shown myself so wholly unfitted. Sir, a great wrong is thus done me, as I confidently affirm that, had the court-martial been conceded to me, I should have had no difficulty in establishing the injustice of the charges contained in Lord Raglan's letter of the 14th December, by the testimony of the most distinguished officers, not only of our own, but also of the French army.

"I have the honour to be,
"Your obedient servant,
"LUCAN, Major General."

I believe that in order to place these documents in your Lordships' hands, it is necessary that I should move that they be presented by the Government, which I beg to do.

LORD PANMURE said, that the documents the noble Earl had read were not yet in his possession, nor had he ever seen the letter which had been sent by the noble Earl in reply to the communication addressed to him by the Adjutant General conveying the Commander in Chief's decision not to grant the application for a court-martial. He had, however, to state, on the part of the Government, in reference to that proceeding, that he should be prepared to justify the decision of the General Commanding in Chief at any time, should their Lordships think it right to enter into any discussion of that question.

THE EARL OF LUCAN said, he was glad to hear the noble Lord make such an announcement; and that he would in consequence give notice now, that on that day week he intended, in order to bring the whole subject under discussion, to move for the production of Lord Raglan's Report of the battle of Balaklava, and also of his (Lord Lucan's) Report of that action.

THE EARL OF ELLENBOROUGH said, he thought that, as the noble Lord (Lord Panmure) had consented to the discussion of the subject, he could not well refuse to grant the papers which had been asked for; but he must, with all respect to his noble and gallant Friend (the Earl of Lucan), call attention to a great irregularity which his Motion involved. The letter his noble and gallant Friend had received from the Commander in Chief was an official letter; and it was not competent, according to the practice of that House, for any noble Lord to read an official letter addressed to himself and then move for its production. He trusted that the course his noble and gallant Friend had thought fit to take would not be drawn into a precedent, for though in this instance it might not be attended with any great inconvenience; in others very serious mischief might result.

Motion *agreed to.*

The Earl of Lucan

CRIMINAL JUSTICE BILL.

THE LORD CHANCELLOR, having brought up the report on this Bill, observed that he had received several suggestions in opposite directions. Some parties were of opinion that if the Bill confined the jurisdiction to petty sessions great delay would often occur, inasmuch as in remote districts petty sessions were not held more than once in a fortnight. On the other hand, it had been suggested that cases ought not to be tried at petty sessions without providing that they should always be tried in open court. Now he could not yield to either of these suggestions. In some cases there might certainly be a delay of a fortnight; but this was a difficulty with which it was impossible to grapple, unless in every place there should be a petty sessions always going on. With regard to enacting that the petty sessions should be a public place, he did not like to introduce such a provision, because the Court of Queen's Bench had decided that the words, "petty sessions" implied a holding in public. He wished to introduce certain amendments in the Bill—such as the form to be adopted by the justices making convictions, and would then name a day for the third reading.

LORD BROUGHAM concurred in the course which had been taken by his noble and learned Friend in not yielding to the objections to which he had referred; and as the principal objections to which he had taken exception had been removed, he did not think he should have occasion to press his own Bill further. The noble and learned Lord then said that he intended before the recess to bring before their Lordships the most important subject of criminal law procedure. He proposed to go into every part of the subject except the law as to punishment.

Amendments *reported;* further Amendments made.

Bill to be read 3^a, on *Thursday* next.

SECRETARIES AND UNDER SECRETARIES OF STATE (HOUSE OF COMMONS) BILL.

EARL GRANVILLE, in moving the second reading of this Bill, said, the necessity for it had arisen in consequence of the separation which had taken place between the War and the Colonial Departments. Its object was to remove the illegality of three Secretaries of State and Under Secretaries sitting in the House of Commons at the same time.

Moved, That the Bill be now read 2^a.

THE EARL OF ELLENBOROUGH said, that of course he should not object to the Bill, inasmuch as he had himself, on the separation of the offices, suggested that it would be necessary to pass a Bill to this effect.

EARL GREY: My Lords, I understand that this Bill has been rendered necessary by the recent consolidation of the old War Office and the new department of the Secretary of State for War. Although I cannot say I do not entertain serious doubts whether, even as a temporary measure, that was, as a whole, the best measure which could have been adopted—although it falls extremely short of that general reform of the military departments which I am convinced is necessary, and the urgent necessity of which is more and more proved by every day's experience, and by the new disclosures of mismanagement which have taken place; and although this measure cannot, therefore, be accepted as effecting all the necessary general improvements in the military departments, still I feel that it is not proposed with that view by the Government. Shortly after the appointment of my noble Friend the Secretary of State for War (Lord Panmure) to his present office, he said, among other things, that the attention of Her Majesty's Government should be called to the subject of the constitution of the military departments. He promised that he would bring forward a measure to consolidate under one Minister, at all events, the civil business of the army; but at the same time he said that he could not turn his attention to this subject until he had given it to the more pressing one of providing for the immediate wants of the army in the Crimea, and of applying remedies to the evils that had arisen; and I thought that this was most fair on the part of my noble Friend; and, as the subject was one requiring great consideration, it would have been very improper to have pressed him to bring forward with any undue haste a measure of such importance. Although, however, I am of opinion that even in the first attempts something more than the measure before your Lordships might have been adopted and accomplished without much difficulty, still I have no fault to find with my noble Friend, and will wait with patience for the larger measure that he has promised, and which I have no doubt in due time he will propose to this House, if it should be one requiring Parliamentary interference, or, if it should not, will advise Her Majesty of Her own accord to adopt. I wish, however, to take the present opportunity of calling your Lordships' attention to this—If it is acknowledged by Her Majesty's Government that the present constitution of the military departments is unsatisfactory, and that they, as they have stated, intend at an early period to bring forward some plan to place these departments on a more satisfactory footing, then it does appear to me to follow, as a matter of course, that it is highly inexpedient, while these departments continue in their present state, to adopt any measure of a large character, involving a large expenditure, which has not reference to the immediate wants arising from the war. With regard to the war, no one objects to Her Majesty's Government, though the departments are imperfectly constituted, proposing without a moment's delay whatever measures may be necessary for the war; but when they bring forward plans of an extensive character and involving a heavy expenditure—plans which are not to take effect during the present war, but which have reference to the permanent wants of the country—then the case appears to me to be greatly altered; and with regard to such a plan I cannot help saying that a large expenditure of this kind, in the present state of the military departments, ought to be avoided. It is on this ground that I have felt some alarm at some of the Votes proposed in the Ordnance Estimates which have been laid before the other House, and that alarm has been increased by the manner in which I am informed these Votes have been explained. I find that it is proposed to take a Vote of 1,000,000*l.* for new works at home in the course of the present year, and this Vote is in addition to a Vote of 560,000*l.* granted for the same purpose last year—so that in two years these Votes amount to nearly 1,600,000*l.* My Lords, this appears to me to be a large sum, especially as it does not represent the whole of the expenditure for this purpose, because a considerable number of the works to be undertaken will not be finished during the present year and with the present grants, but the large grants now taken are only for the purpose of commencing them; and in future years large grants will have to be made, or the money now granted will probably have been thrown away. The subject, therefore, is one of considerable importance. We are told that these Votes are taken with a view to a permanent system of defence; they are not for providing against any particular danger in any one year rather than another, but to enable the country to maintain its proper position of defence. Therefore I say they come within the description of works which, in my opinion, it is inexpedient at the present moment to proceed with. It appears that the main bulk of these works consist of new barracks and fortifications. It has been explained that it is intended to put an end in a great measure to the system of dividing the troops into small bodies, and to build barracks at particular places capable of containing large numbers. I entirely approve this alteration; it is one I have long thought ought to be adopted; for I know that it is injurious to the army to employ the troops as police, and that the division of them into comparatively small detachments in the manufacturing districts prevents them from being brought under that discipline which is necessary—for it is impossible in these busy hives of industry to obtain ground sufficient for the purpose of military instruction; in many parts, I believe, places cannot be obtained where ball practice can be carried on without taking the troops to a considerable distance, and there are many other inconveniences. Besides, I think that, in point of policy, it is inexpedient to confide the preservation of the peace to the troops—that it should be entirely confided to the police. We know that in this city since the establishment of the metropolitan police, some twenty-eight years ago, though we have gone through times of no ordinary agitation, yet we may congratulate ourselves that in no one instance has it been necessary to employ the troops, though in former times this necessity was continually recurring. The troops may in one or two instances have been kept in readiness to support the police; but they have never been employed. The duty of maintaining the peace having been satisfactorily performed in this city by the police, I think that other great towns and counties may reasonably be expected to perform similar duties for themselves, and that the troops ought only to be kept in situations where, in cases of serious disturbances, they might be brought forward to support the police; and, with the facilities afforded by railroads, this can be done without interfering with the concentration of the troops. I have stated thus much to show that I should be the last to make objections to the principle of these alterations; but I say that at this moment it is not necessary that measures of this kind should be brought forward. In the first place, these new barracks cannot be finished in time to be serviceable for the present war, unless, unfortunately, it continues longer than I think it likely. The Estimates, moreover, contain a vote for the erection of barracks, capable of holding 50,000 men. Now, considering how large a proportion of the army is abroad, and that the real want of barracks is chiefly confined to those troops getting ready to be employed abroad, I cannot help thinking that, in addition to the existing, temporary barracks capable of holding so large a number of men will meet the exigency of the present case. The other object of the Votes to which I have alluded is that of the fortification of our principal ports. Though this is a matter most proper to be attended to, it is most desirable to prevent the infliction of any serious blow on our ports by small expeditions; but if ever there was a time when such an attack was the least to be apprehended, it certainly is the present; because we are now acting in strict alliance with one of the great maritime Powers of Europe; and with respect to the other, Russia, with which we are at war, we have ample means of defending ourselves from any attack by her inferior forces. There is, therefore, no immediate necessity for additional fortifications; and in case of such works of defence being required, earthworks can be thrown up with great rapidity, for we know to our cost that even after our troops had sat down before Sebastopol, the Russians had succeeded in throwing up earthworks which have foiled all our endeavours, and I believe that at this moment Sebastopol is stronger than when the siege operations commenced. I blush to say that Russia has shown a superiority to ourselves in many points of military organisation; and with all our improvements in arms and boasted progress of civilisation, I cannot help thinking that we have reason to blush at the way in which we have in many points been exceeded by a comparatively barbarous nation. At all events, I am fully persuaded that in the erection of fortifications and earthworks, when the exigency arises, we shall not be found inferior to Russia, and that not many days—I believe I might say not many hours—would be required to render any one of our great ports safe from any attack that might be contemplated against it. I am persuaded that if need should arise, the heads which contrived and the hands which executed our great system of railways, if they were employed for such a purpose, would not be long in creating earthworks for the defence of our maritime cities to which the earthworks of Sebastopol would be but a joke. I say, then, that these works are not urgently necessary; and not being so, the argument I wish to submit to your Lordships is, that it would be injudicious to proceed with them during the present war. When the attention of the Government and of their officers is necessarily absorbed in the prosecution of the great contest in which we are now engaged, it stands to reason that it is quite impossible that a great plan for re-distributing our troops during peace, and for fortifying our coasts, can be considered at the present moment with the deliberation and care that are demanded; and remember that mature deliberation is required before such a plan as this, involving a large outlay of public money, is carried into effect. Many questions have to be settled, not only as to the most convenient position in which to establish your troops, but also as to the best manner of providing accommodation for them; and so likewise with regard to your fortifications. The experience of the present war is sufficient to show, that in spending large sums upon fortifications, it is not safe to blindly follow the beaten track, without inquiring what alteration may be requisite in the former system as the result of the progress of modern science and invention. Well, even if these subjects were to be considered by an authority in which there was every reason to place implicit confidence, it is not in time of war that they can be satisfactorily dealt with. But the authorities by whom such plans would have to be considered are such as I do not conceive to be entitled to that confidence. The Government have determined to remodel the civil departments of the army. They have done this under the pressure of the general opinion—an opinion unanimously entertained, I believe, from one end of the country to the other—that under the existing organisation of those departments our military affairs have not been well conducted, and that there has been a want of judgment shown before the war in applying the money voted by Parliament for keeping up the services of the country against the outbreak of hostilities, and also since the war in the appropriation of the larger grants that have been recently made. I believe it is likewise acknowledged that no small proportion of this mismanagement, which I may say is justly attributed to our military departments, is more particularly due to the Ordnance Department. I have no hesitation in saying, from what I know of the manner in which that department has been conducted, under every successive Administration since the peace to the present period, that the impression which prevails on this point is entirely well founded. The manner in which the enormous grants, made during the last forty years for fortifications and for barracks, have been expended gives the utmost ground for distrust. Take the case of fortifications. It would ill become me, a non-professional man, to express a decided opinion on the works of this kind which have been undertaken; but this I know, that as to the works that have been devised for our defence at home I find a very general concurrence of belief among those who are most capable of forming an opinion on such a subject, and on whose judgment I place the greatest reliance, that these works have been injudiciously planned and expensively executed. It is well known that they are objects of derision to all foreign professional men; and in some cases mistakes have been pointed out which a non-professional man, though he might not, perhaps, at first discover them, could hardly fail to see, when his attention is once called to them, are very manifest defects. I will mention one instance. Some time ago, I was examining one of the new batteries that have been constructed at Plymouth, which has been erected at considerable cost, and which seemed to me extremely formidable. I was told that it certainly looked very well, but that a foreign engineer who saw it had expressed the opinion that it was "a regular shell-trap"—that the battery was placed at the foot of a high perpendicular precipice, and so situated that every shot and shell fired at it, and missing the men, if it struck the rock behind them, must infallibly bring down large fragments of it upon them, and in a few minutes kill every artilleryman at the guns. Such was the opinion of a very eminent foreign engineer as to this fortification, and certainly when I heard the remark it appeared to me to be very well founded. This battery has been erected, I believe, within a very few years, and in many others of our recent works of defence similar errors may be detected. Then as to barracks, with regard to which a non-professional man may form a judgment with more confidence than he can respecting fortifications; from the little that I know about buildings I must say I cannot resist the conclusion that the barracks which have been provided for the English army by the Board of

Ordnance have been injudiciously contrived in point of accommodation, and enormously costly in proportion to the extent of accommodation they afford. Even in the present Estimates there is good reason to believe that the same thing is the case. The Cambridge barracks, I believe, are estimated to cost somewhat more than 18,600*l.*, and are intended to accommodate 500 men and forty-four officers, or altogether 544 persons. This gives a cost of about 70*l.* per head. Now, a cottage—not, indeed, of the first class, but with two or three very comfortable rooms—may be built for less than 70*l.*; and two rooms in a cottage of that kind, I am sure, would furnish better accommodation for five or six men than you will give to every one of your soldiers at this extravagant rate. Again, the amount which I have named is only the estimated expense of these barracks, and your Lordships may be aware that there is very seldom a case in which the original estimate is not exceeded by the actual cost.

Lord LYNDHURST called the noble Earl's attention to an error that he had made in his calculation of the cost per head of the barracks in question. It would not amount to more than 30*l.*, instead of 70*l.*

Earl GREY: I beg pardon; I have given your Lordships the wrong figure. 37,000*l.* is the estimated cost of these barracks, making, in fact, just 71*l.* per man. The item of 18,600*l.* is the cost of providing barrack accommodation for forty-five officers, or at the rate of upwards of 400*l.* for each. Another item in the same Estimates is 1,200*l.* for finding barrack accommodation for a field-officer at Shoeburyness. Why, a good farm-house for the accommodation of a farmer and his family can be built for 800*l.*, but in this instance 50 per cent more than that sum is to be spent in erecting quarters for a single field-officer. These remarks occur to me on the most cursory inspection of these Estimates, but I rely more upon the notorious fact, which I never found a single officer in the army who did not confirm—namely, that the barrack accommodation provided for our troops by the Ordnance Department is both indifferent in kind and exceedingly costly. That being so, is it expedient that you should incur this heavy outlay before it can be fully considered by authorities on whom perfect reliance can be placed? Observe this is an expense not necessary for temporary purposes, but is part of a large plan for the permanent benefit of the country; and what I ask you to do is to suspend its execution until it can be maturely weighed at a more convenient moment and by a more competent authority. If the Ordnance Department were to continue in the state in which it has hitherto stood, it would be objectionable to proceed with such a scheme as this; but just look at the time at which it is proposed to carry it out. Why, you have practically no Master General of the Ordnance at present. I am told that the Secretary of State for the War Department means to contrive some plan by which all the strictly civil business shall be brought immediately under his own cognisance and control. But who is responsible for these Estimates? Of course, my noble Friend the Minister of War cannot be, for they were framed before he took office, and, with the multitude of more urgent matters which have claimed his attention, it is impossible for him to have given proper consideration to them. So far as I can see, the only person responsible is the Clerk of the Ordnance, and, with all possible respect for the Gentleman who now fills that office, I must say that so large an expenditure ought not to be undertaken until some one of the higher and more responsible servants of the Crown is enabled to state to Parliament that he has satisfied himself that the plan which we are now about to commence is a judicious one, and that he can with confidence recommend to Parliament the expenditure required. The fact that there is no such person at present responsible for this expenditure is one reason against its being incurred; but, in addition to that, surely the war in which we are at present engaged is of itself a sufficient load, without adding to its pressure by commencing arrangements which are not needed for the war. I am informed, according to the best calculations which can be made by persons whom I believe to be able to form a good opinion from the documents now accessible to the public, that it will be necessary in the present year, either by new taxes or by a loan, to raise, in addition to the revenue which is raised under existing taxation, a sum of not less than from 15,000,000*l.* to 20,000,000*l.* If this be so—if the necessary charges of the war are to be so heavy—it is very desirable not to augment them. Be it observed, moreover, that you cannot withdraw from the labour and capital embarked in the productive industry of the country without diminishing the reuenue of the country, and sooner or later every class in the community must suffer from such a diminution. Every unnecessary work that you undertake now increases the competition of the Government with the farmer and manufacturer in the market for money and labour. If, indeed, the wants of the country are so great as we are led to believe, you will not be able to meet them without having recourse to a loan. Sooner or later, in some shape or other, you will have to borrow money. You did so last year, though you denied the fact; and probably you will have to do it again to a much larger extent to meet the expenses of this year. It is proverbial in private life, and I believe it is quite as true with regard to public matters, that borrowed money is always the most extravagantly expended. So will it be now. If these plans are commenced in the present state of excitement they will not be properly considered, your money will be ill-spent, and very likely for objects which you will find out by and by are entirely useless. I must say that the Estimates laid before Parliament bear marks of what I cannot help regarding as nothing but reckless extravagance. I do not grudge anything that is necessary for the effective conduct of the war; but so far as I can judge from all the information which is accessible to me, I feel persuaded that, in addition to what is necessary and useful, the country is at the present moment throwing away money by thousands and hundreds of thousands from want of due consideration and care in the manner of applying it. I deeply regret to see such traces of extravagance in the proceedings of the Executive Government; and I more deeply regret not to see that extravagance checked in that quarter where, by the constitution, a check ought to be applied. On the contrary, I firmly believe that the more wild and the more extravagant the votes of money proposed by the Government, the more popular they would be at the present moment with the House of Commons and the country; and I regret that Her Majesty's Government have availed themselves of that disposition to propose Votes which under present circumstances would have been much more fittingly postponed. We are told upon very high authority that it has been the mistake of the Government and the Parliament of this country to have acted with regard to these matters rather by fits and starts than upon any settled policy, and in particular it has been pointed out, that at the end of the last war the country very foolishly sold for a very inadequate sum a large number of barracks which had been built during the war. I perfectly concur in that accusation. I believe that it has been the fault of the Government to have acted rather too much in matters of this kind without any settled policy, and it is upon that account that I object to the extravagance which is now about to be recommenced, because I know that it is sure to be followed by a reaction in the opposite direction. That is exactly what happened during the last war. Those barracks which I have mentioned were sold because enormous sums had been spent in so lavish and improvident a manner during the war that the country was disgusted, and at its termination rushed hastily into precipitate measures for injudicious economy. Something of the same sort will occur again. I have been long enough in Parliament to have noticed that hot and cold fits succeed each other upon these subjects. I have seen some of each, and I am confident that the more rein you now give to extravagance, the more certain it is that Parliament will in turn run into the opposite fault, and be guilty of undue parsimony. It is because I wish to see the establishments of the country kept up, as they ought to be, to a proper state of efficiency during peace as well as during war—it is upon this ground that I so strongly deprecate what appears to me that reckless extravagance which is now being indulged in. I do earnestly hope, though the House of Commons has already voted the money, that my noble Friend (Lord Panmure), who is not responsible for these Estimates, will take care that no expenditure is incurred without the utmost consideration; and I cannot help giving him this piece of counsel—that in applying for assistance and advice he will not confine himself to the narrow field of a seniority corps. Let not the only authorities whom my noble Friend consults be the engineer officers—men promoted by seniority alone, and wedded too much, I am afraid, to routine; but let him go to those men whose talents have raised them to distinction in civil life. After all, the same principles of physical science apply to fortifications and to railroads; and it is a profound knowledge and a successful application of these principles that have enabled our Stephensons and Brunels to fill this country with those great works which will be the wonder of succeeding ages. From such men as these, and from our great builders, my noble Friend will get far more trustworthy opinions than he could obtain within the narrow limits of a seniority service. I hope I need not apologise to your Lordships for having taken this opportunity for submitting these matters to your consideration; but I felt that the discussion upon a Bill involving so many changes and so many new arrangements, occasioned by the war in which we are at present engaged, was not an unfitting season for the remarks which I had to make.

LORD PANMURE: My Lords, my noble Friend need have made no apology for having addressed your Lordships with so much ability on these subjects to which he has called your attention. I have listened to his address with the interest with which I always listen to everything that falls from my noble Friend, and more especially because I believe there is no individual in this House, or in the other House of Parliament, who has for so many years, with so much zeal and assiduity, turned his attention to the matters which formed the subject of his speech. My Lords, with respect to the matter now immediately under consideration, I understand that my noble Friend does not question the principle on which it is founded; and with regard to the principal part of the speech of my noble Friend, it will be answered in one short piece of information which I am enabled to give him—namely, that with reference to the construction of either new barracks or of new works, all that can be suspended, until I can lay before your Lordships' House a plan for reorganising these departments, has been ordered to be suspended. I think, my Lords, it would have been somewhat rash to have done otherwise—and in this point I quite agree with the views of my noble Friend—that it would have been rash with the establishments and with the system which all have condemned, and which Government is about to reform, to rush into the expenditure of the vast sums voted by the House of Commons on principles which might admit of considerable condemnation. With respect to some of the points on which my noble Friend has touched, I cannot say that I altogether concur in his views. My noble Friend has condemned the plans of some of these works on the ground that this is not the time at which they should be undertaken. My Lords, the first to which he drew attention were the fortifications which are about to be erected for the defence of some of our considerable ports. Now, my Lords, I cannot agree with my noble Friend that this is not the time to undertake these works. I must say, if I yielded to that argument, I should inevitably be told, when the emergency should arise, that it was too late to think of them then. My Lords, I think this is the time to engage in useful works of defence, to take advantage of the willing disposition of the country to carry out works in this direction; for, as my noble Friend observes, I am well aware that the time will come when there will be a reaction, and when, consequently, however desirable it may be to erect these defences, and however much my noble Friend may then concur in the propriety of erecting them, we shall be refused the money by Parliament, and it will no longer be in our power to construct them. I consider that, so far as these fortifications go, we are moving in the right direction; and I quite agree that it will rest upon any Government who undertakes these works of defence to be responsible for their being erected in the most approved manner, according to the newest and most approved principles of fortification, by the best and most competent persons, and with the utmost economy that may be consistent with rendering them effectual for their purpose. Then, my Lords, with reference to barracks, my noble Friend states that the principle of collecting troops in large barracks, instead of scattering them up and down the country in small bodies, is one which he advocates. I entirely approve of that principle also; and I believe that if steps which have been now taken to erect barracks of this description at Aldershot had been taken ten or fifteen years ago we should not now have had to complain of the inadequacy of our troops to undertake a campaign, or of the little acquaintance which they appear to have with the habits and duties of a camp. It seems a large sum. About 250,000*l.* is about to be expended on the barracks at Aldershot for 10,000 men; but when my noble Friend says that we are to rely entirely on the authority of the Clerk of the Ordnance for the plans of these barracks, I beg to say that I have inquired as to the manner in which these plans have been made, and I find that an engineer officer of very considerable eminence and reputation was intrusted with a mission to Belgium to inspect the large barracks erected at Beverloo, which I believe is the most complete establishment of the kind in Europe, and, before the plans for the barracks at Aldershot were adopted, to see all that had been done there, to mark all that existed there, and, by the information which he was thus enabled to gather, to frame the plans for the barracks at Aldershot. Now, my Lords, what is the object for which these barracks are proposed to be erected? It is to assemble a force of 10,000 men at one particular point, at which point opportunities would be afforded for exercising a body of cavalry, infantry, and artillery, in all the evolutions of field exercise; for encamping men by turns, and seeing that they learn the duties and habits of a campaign; and so giving to these large bodies of troops during the time of peace or of war the preparation such as they can receive at home for the practice of war abroad. This is a step which may be adopted in this country without any one being able to charge the Government which adopts it with the intention of fostering, during times of peace, a force unnecessarily large for the wants and necessities of the country. I think, however, that the race of economy, which has been run by all Governments one after the other since the peace was proclaimed, has somewhat reduced us to the state in which we are now in, so that although we had an army with a regimental system admirably well conducted, we had no army in which the duties of the staff were known to the officers, or the duties of command known to the generals. These, my Lords, are faults which will be remedied by the sad experience of the war to a great extent, but they are faults which must not be allowed to occur again. The establishment of this camp at Aldershott, with ample ground for exercise, is one of the means by which the recurrence of these evils is sought to be avoided. Now, my Lords, with reference to the expenditure sought to be bestowed on these barracks, I can only say that on considering the subject I entirely agree with the views of my noble Friend in going beyond the limited experience of officers of the engineers and of calling in aid the skill of those great contractors and of those men who have rendered themselves famous in erecting the great buildings which are arising around us every day. I cannot see myself why these barracks, any more than any other buildings, should not be built by other than military masons; and I have yet to learn that it is more economical or more wise to employ a corps of military bricklayers and labourers merely for the purpose of doing that which the people of the country could do infinitely better and have much more experience in doing. I wish to say one word upon the subject of the reforms which it is intended to introduce into the Ordnance Department. It is not my intention to go into the subject at the present time; but what I wish to state is, that while I have given orders that no new works shall be commenced under the present system which can possibly be avoided, so I have endeavoured, as far as I can, to be in a position of bringing before you, not many days hence, the manner in which I propose to alter the organisation of the civil departments of the army. I propose, as I stated on a former occasion, to unite all the civil departments of the army under the superintendence and management of the Department of War, and I trust to lay before your Lordships a scheme effectual for that purpose, though, perhaps, it may not go in other respects quite so far as my noble Friend may think it ought. Now, my Lords, with reference to the temporary barracks which are being erected throughout the country, I did not gather from my noble Friend that he threw out any great objection against them. Hut barracks can be erected at the rate of 6,000*l*. for 1,000 men—or at the rate of 6*l*. a man—and the reason why hut barracks are immediately resorted to arises, not from the necessity of quartering the army in this country, for that purpose we have more barracks than we require; but because, as my noble Friend must recollect, we have a large force of militia embodied. It is quite true that we have legal means of quartering them. We may quarter them in billets; but I think no one can point out a more unpopular Act, or, I may say, one more oppressive on the part of a Government, than that of quartering by billets so large a force on the inhabitants of the country. The object of the Government is to relieve the people of this country as much as possible from the oppressive system of billeting. At this moment there are in Great Britain 44,000 militia embodied, of whom 10,000 are in barracks and 34,000 are actually in quarters. It is for the purpose of taking these men out of quarters that these hut barracks are being rapidly run up; and I believe they are not only being run up, but run up in such condition that if proper care be taken of them they will last for several years, and if they be not required they may be disposed of in the market when they are vacant, at an advantage to the public. I have alluded to that point of my noble Friend's speech because I wished to assure the public of this country, on the one hand, that the billeting system should, as speedily as possible, be got rid of; and because I wished, on the other hand, to assure the commanding officers of militia, who, I know, are as deeply interested in the discipline and in the moral condition of their men as any officers of any regiments can be, that the men under their charge will speedily be released from that position in which no soldier can be bound to his regiment—namely, the position of being in billets, where no discipline nor any kind of control can be enforced. I think we were indebted to my noble Friend for having brought this subject before your Lordships' House. I shall not follow him into that part of the question in which he discussed the actual condition of the country. I have ample reasons for refraining from doing so; but otherwise I think we are under obligation to my noble Friend for having drawn public attention to the matter.

The Earl of MALMESBURY said, he did not rise to continue the discussion on the wisdom of the policy pursued by the Government in the erection of barracks and fortifications; but upon that matter he should say, before proceeding to make some observations upon the Bill actually before them, that he entirely agreed with Her Majesty's Government in their views of the wisdom of erecting barracks at Aldershot on a large scale, and of providing every other convenience for the troops; because it was not sufficient to spend money merely in the enlistment and drilling of soldiers; if they did not give their troops every opportunity of being brigaded and disciplined as a perfect army, it was of no use enlisting them at all. It was, therefore, with great pleasure, that he had heard the announcement of the intentions of Her Majesty's Government. But the Bill before the House had nothing whatever to do with that matter. It appeared to him that the first object of Her Majesty's Government in bringing forward the Bill now before them was to consult the public convenience as much as possible in the conducting of the public service in both Houses of Parliament, and to arrange so that the business of the country should be carried on in both Houses as clearly and succinctly as could be done, and with as little reference of questions from one Member of the Government to another, and from one department to another, as possible. Now, believing that to be the object of Government, and believing it to be also their Lordships' wish that such an object should be carried into effect, he begged the attention of their Lordships for a few moments, while he called it to the mistakes that had been made in the arrangement of offices under the present Government as respected that matter. In the first place, the different departments of the State were not represented in their Lordships' House in the manner in which he should wish to see them represented. For example, the departments that were represented in that House were the Foreign Office, which was doubly represented by the noble Earl opposite (the Earl of Clarendon) and by another noble Lord (Lord Wodehouse); the Board of Trade was represented by his noble Friend opposite (Lord Stanley of Alderley), who had been in that department some years, and who was of course competent to answer any question and make any explanation that might be demanded of him. The Post Office was also represented in their Lordships' House, and the War Department was in the hands of the noble Lord who had just sat down, his office forming a new Secretaryship of State. But there were other departments which were not represented in that House, equally important as any of the others, and equally deserving of being represented—he meant personally represented—in their Lordships' House. The Treasury had no one to represent it there, the Home Office had no one, the Colonial Office no one, the India Board no one, the Woods and Forests no one, and the Admiralty no one. Under the late Government their Lordships had the Prime Minister in their House, and as he, in fact, represented all the departments of the State, and was, or was supposed to be, cognisant of what was going forward in all of them, their Lordships might, perhaps, have been satisfied. But under the new Government the case was different. It seemed to him to be considered a mere matter of convenience, entirely for the consideration of Ministers, whether the Colonial Office should be represented there or not; and indeed, from the reply given the other night in answer to a question on this subject, it would seem that the office was at present entirely in abeyance; and he must say, he was quite astonished when, on a late occasion, the noble Lord the President of the Council stated, as a satisfactory reply to the inquiries of their Lordships, that Lord John Russell would return from Vienna as soon as he had laid down the grounds of a negotiation. He should have thought that the groundwork of a great negotiation was not a work that could not be intrusted to the hands of an Ambassador, but must, indeed, be confided to the care of a special Plenipotentiary. That was not the way in which great negotiations were carried out in 1797 or in 1801. The work of a special English Ambassador was not the mere laying of the groundwork of a negotiation; that was laid in London at the Foreign Office, and the real business of the Plenipotentiary was the arrangement of the details of the negotiation, which could not be arranged at home. He must, therefore, say, in passing, that the reason given by the noble Earl was very unsatisfactory. He thought it was fair at all times in their Lordships' House to make a comparison between past Governments and the Government of the day. In fact, that was the only way in which the country could judge of the respective merits of the two Governments, by comparing the acts of the deceased with those of the existing Government. He begged, therefore, to draw their Lordships' attention to the way in which his noble Friend behind him (the Earl of Derby) attempted to consult the public convenience in the arrangement of offices during the time he held the office of First Lord of the Treasury. In 1852, when his noble Friend was Prime Minister, he (the Earl of Derby) represented the Treasury in their Lordships' House. The Foreign Office was there represented by a Secretary of State, the Colonial Office was represented by an Under Secretary, the Admiralty was represented by the First Lord of the Admiralty (the Duke of Northumberland); the Board of Trade was represented by the Vice President of that Board. The Post Office had its representative there, and the President of the Council was also in the House. Now, he was sure that no man could exhibit more clearness or give more satisfaction in answering questions than his noble Friend the present President of the Council; but he thought that noble Earl was taxing his energies almost beyond the power of any man, if, not being Prime Minister himself, and therefore not being personally cognisant of the affairs that were passing through the different departments and their details, he took upon himself to reply to all questions of business and detail respecting so many departments—for example, to reply to all questions respecting the Treasury, the Home Office, the Colonial Office, the India Board, the Post Office, and the Admiralty. Now, a noble Friend of his said the other night that there were two ways of despatching public business. The one way was that of reading all despatches carefully from beginning to end, and the other was that of reading the covering despatches but throwing aside the inclosures. There were also various ways of meeting the questions that were asked in their Lordships' House. One way was to refuse any answer at all. That way of meeting a question was a very favourite one with the noble Earl who was lately Prime Minister of the country. He (the Earl of Malmesbury) would leave it to their Lordships to say whether it was a satisfactory one. Another way was to make the answer a spartan answer, as short and concise as possible, leaving out all the information asked for. A third way was to throw so much confusion into the answer as to leave the questioner a great deal more perplexed than before he asked the question. He did not know which of these different methods the noble Lord the President of the Council proposed to himself to adopt and follow; but if he was ready to give their Lordships a full and ample explanation on all those points on which their Lordships were not fully informed, and if he was to enter into all the details of the subjects to which his attention might be called in a manner and with a fulness proportioned to the importance of those subjects, with all his (the Earl of Malmesbury's) opinion of the noble Earl's abilities and talents, he thought he must be possessed of superhuman power if their Lordships found at the end of the Session that they had had much information communicated to them.

EARL FITZWILLIAM said, he did not know in which way he was to be answered, but there was one point on which it was very desirable their Lordships should have some clear and definite idea. He wished to know whether it was the intention of the Government, at the end of the war, to give to this country during the ensuing peace, a character more military than that which it had borne during the last peace? He had heard observations made as if it were the opinion of some men of great authority in England that the successive Governments which had governed the country during the late peace of forty years had been guilty of great errors in reducing the national military establishments. From that opinion he entirely dissented. He believed that the reason why we were now capable of carrying on war (even though we had not carried it on so successfully as could have been wished) was because we had during that long period of peace husbanded the resources of the country, and had drawn them out and expended and employed them to the greatest possible advantage. His belief was that if during the last forty years, instead of maintaining, in round numbers an army of 100,000 men, we had maintained an army of 200,000 men, we should have been far less capable of conducting the existing war than we were under existing circumstances. He should therefore deeply regret if there were any opinion lurking in the minds of his noble Friends that it was desirable during peace to maintain larger establishments than those which they had maintained during the peace that was now past. He was desirous of making these few observations, because it appeared to him that it was desirable they should not adopt erroneous views upon that subject, and erroneous he was sure those views would be, if they contemplated the possibility, or the desirability rather, of making this country more military in its character than it had been during the late period of peace, and aping the establishments of the great military Powers of the Continent. That idea was, he was aware, foreign to the mind of one noble Friend of his, a Member of Her Majesty's Government, and he trusted it was also foreign to the minds of that noble Lord's colleagues.

Earl GRANVILLE said, that without having adopted the silent system, or either of the other systems to which his noble Friend (the Earl of Malmesbury) had referred, or even that one of which a noble Earl opposite (the Earl of Derby) had afforded a striking example in having, while at the head of the Government, with his own peculiar ability, monopolised nearly every statement and every answer which it was necessary to make in that House on behalf of his Administration—without adopting any of the systems to which his noble Friend had referred, he (Earl Granville) trusted that during the short time he had acted as the representative of the Government, inefficiently as he had performed the duties which devolved upon him, he had never shrunk from giving as clear and full a reply as he could give to every question which had been put to him. With regard to the question which had just been asked by the noble Earl, as to whether it was the intention of the Government at the close of the war to give a more military character to this country than it had before assumed, although he (Earl Granville) was afraid it was somewhat premature at the present moment to consider what was to be done with the army immediately on the conclusion of a peace, yet he thought he was sufficiently well informed of the feelings and opinions of all his colleagues to know that their wish would be not to increase the military establishments of this nation; but by better arrangements to render the army we possessed more efficient for the purposes for which it might be required, at, if possible, a much smaller expense to the nation than under the present system.

The Earl of ELLENBOROUGH said, he understood that the intention of the Government was to withdraw the troops from towns in which they were now stationed in small detachments, and to concentrate them in large bodies, in situations where they might be exercised in military manœuvres on an extensive scale, and he thought it was highly expedient for the efficiency of the army that it should be so; but he wished to suggest to Her Majesty's Government that it was absolutely necessary, with a view to the security of the public peace, that as a preliminary to that concentration of the troops in large masses they should establish an efficient, powerful, uniform police throughout the country. A case occurred last year in which a very large manufacturing town would have been exposed to the excesses of a riotous mob if there had not been an opportunity of obtaining immediate military assistance in consequence of the inefficiency of the police force established there; and it was therefore absolutely necessary, before withdrawing the troops from the manufacturing districts, and from those parts of the country in which it was possible—however improbable—that disturbances might occur, and placing them at a very considerable distance from these localities, that they should, either by arrangements with the several bodies which had the power of employing and increasing the police, or—which would, in his opinion, be much better—by some general Act of Parliament, provide for establishing from one end of the country to the other a uniform police force capable of protecting the public peace. As had been correctly stated by the noble Earl opposite, no occasion had occurred in this metropolis since the establishment of the metropolitan police force, when it had been necessary to call in the aid of the military, although certainly on several occasions the military had been prepared to render their assistance to the civil power.

He believed that the same good results would accrue throughout the whole country from the formation of a similar force, and that if an efficient system of police were established there would be no necessity for the employment of military force in aid of the civil power throughout the country; but he considered it absolutely necessary that a uniform and efficient police should be established as a preliminary to the proposed measures of the Government. He was not surprised that objections should have been raised to the Bill which was introduced on this subject last year, for a worse measure he thought he had never read; and he could not understand how a noble Lord who was supposed to possess extraordinary administrative abilities could have proposed to Parliament a Bill which, had it passed, would have been utterly inefficient for the purposes for which it was intended—but which did not pass, because it ran directly counter to the prepossessions, prejudices, and feelings of the entire community. He trusted that any new measure that might be proposed on this subject by the noble Lord as First Lord of the Treasury would be both efficient and acceptable to the country.

LORD PANMURE was understood to say, in case any impression should get abroad that the collecting of men at Aldershot would endanger the peace of large towns, that no troops would be withdrawn from any place where their presence was requisite, and that care would be taken still to afford ample protection to every one of Her Majesty's subjects.

THE EARL OF ELLESMERE said, he considered that the military establishments had been reduced during the peace to a condition inconsistent with the security of the country. He thought it would have been wise and prudent, perhaps, if the Government had determined at an earlier period upon a measure of which he entirely approved—the establishment of a camp at Aldershot. He spoke upon this subject from some personal experience; for at no distant period, during the Administration of Sir Robert Peel, he felt so strongly the enfeebled condition to which some of our establishments had been reduced, and the state of insecurity in which he conceived the country to be placed, that he had privately, but earnestly suggested to a Minister of the Crown that the Commander in Chief should be enabled to concentrate 10,000 men, properly composed of infantry, cavalry, and artillery, in some convenient place within Her Majesty's dominions, with a view to their exercise in military operations on a somewhat extensive scale. The answer he received confirmed all his previous convictions, and he rejoiced that at last so desirable an object was about to be accomplished.

Motion *agreed to.*

Bill read 2ª accordingly; and *committed* to a Committee of the whole House *To-morrow.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, March 12, 1855.

MINUTES.] NEW MEMBER SWORN.—For Ennis, John David Fitzgerald, esq.
PUBLIC BILLS.—1° Price's Indemnity.
2° Intramural Burials (Ireland).
Reported—Lunacy Regulation Act Amendment.

THE CREW OF THE "INVESTIGATOR"—QUESTION.

MR. FRENCH said, he begged to ask the hon. Member for Gloucester (Admiral Berkeley), if it was true that the crew of Her Majesty's ship *Investigator*, who, under the command of Captain M'Clure, accomplished the object for which so many expeditions have been sent from this country to the Arctic regions, namely, the discovery of the North-West passage, being ordered to abandon their vessel, leaving behind all their clothes and other property, have only received three pounds compensation per man.

ADMIRAL BERKELEY said, that the petty officers of the *Investigator* had received 3*l.*, and the seamen 2*l.* 10*s.*, which was all that was allowed them by the rules of the service; the clothes with which they were fitted out having been supplied gratuitously.

THE JUDGE OF ASSIZE AT WEXFORD—QUESTION.

MR. MACARTNEY said, he would beg to ask the right hon. Gentleman the Chief Secretary for Ireland, whether it was a fact that Mr. Hughes, one of the Judges of Assize on the Leinster Circuit, when about to open Her Majesty's commission in the Crown Court at Wexford (the High Sheriff and grand jury being then in attendance), proceeded to canvass the electors of a northern county, although no vacancy in its representation had taken place, and whether any permission or instruction had been given to Mr. Hughes to do so, either by the Lord Lieutenant or the Lord Chancellor, previous to the arrival of a substitute to preside in the Crown Court at Wexford?

Mr. HORSMAN said, that on having received notice on this subject from the hon. Gentleman on Friday, he had sent to Ireland for the necessary information to enable him to answer it; and he was now able to state the circumstances, which were slightly different from the impression the hon. Gentleman had received of them. Mr. Hughes, owing to the illness of one of the Judges, was appointed to go the Leinster Circuit, but he was not the only Judge, there being two for the circuit. The commission was opened at Wexford on the 2nd of March, and Mr. Hughes did not leave on the 2nd while the grand jury was being charged; but having on the 1st of March received a letter, asking him to stand for the county of Cavan, he left on that day and went to the Lord Chancellor, and stated that, as he was anxious to be a candidate for Cavan, he wished that a substitute should be appointed in his place on the circuit. Before he left Wexford Mr. Hughes had arranged with Baron Greene that he should perform all the duties of the Judges, and do all the business, which was very light, as it began on the 2nd, and was all over on the 3rd March. A substitute for Mr. Hughes was provided, who joined the circuit at Waterford. He had asked a further question of the Lord Chancellor, to the effect whether the absence of Mr. Hughes had caused any public inconvenience. The Lord Chancellor had stated in reply that no complaint had reached him of any interruption of the business of the circuit, and that no inconvenience had been felt by the public. He should add that no pecuniary loss would accrue to the public, because, although Mr. Hughes was entitled to 400*l.* for going the circuit, he had given that up on relinquishing the duty.

METROPOLITAN BRIDGES—QUESTION.

Mr. OLIVEIRA said, he rose to ask the right hon. Baronet the First Commissioner of Works whether it was the intention of Her Majesty's Government to take any steps during the present Session of Parliament in reference to the Report of the Select Committee of last Session upon Metropolitan Bridges?

Sir WILLIAM MOLESWORTH, in reply, said, that the Board of Works did not possess any funds with which to execute the metropolitan improvements recommended by the Select Committee of last Session, nor was it the intention of the Government to propose to Parliament to provide any funds for this purpose out of the public purse. His right hon. Friend the President of the Board of Health (Sir B. Hall) intended, if possible, to introduce that evening a Bill for the better local government of the metropolis, which would contain a clause empowering the local government of the metropolis to provide funds for metropolitan improvements, and for the execution of works similar to those recommended by the Select Committee of last year.

ORDNANCE SURVEY OF SCOTLAND.

On the Report of the Committee of Supply on the Ordnance Estimates being brought up, Resolution 1st,

Lord ELCHO said, he wished to call the attention of the House to the subject of the Ordnance survey of Scotland. He was aware the subject was a dull one, and not likely to interest those whose attention had not been specially called to it; but he, nevertheless, considered the question of our national survey as one of considerable importance. Great differences of opinion prevailed as to what that survey should be. It was at the close of the last century that the Ordnance survey of Great Britain commenced. The scale then adopted was one inch for a mile, which was considered sufficient for all purposes. The survey on that scale proceeded steadily from the south of England towards the north. The first departure from it was in consequence of the recommendation of a Committee of that House in 1824, which reported in favour of a map of Ireland on a six inch scale, the object of the survey being a general valuation of the property of that country, this recommendation of the Committee was adopted by the Government. The people of Scotland afterwards memorialised the Government for the same extension of the scale to the survey of their country. On the 1st of October, 1840, a Treasury minute was passed, which ordered that the survey of Scotland also should be on a scale of six inches to the mile; but, in consequence of the great dissatisfaction which prevailed in that country upon the subject, he, in 1851, moved for a Committee to inquire into the whole question, and which Committee finally reported in favour of abandoning the six-inch scale and returning to the one-inch scale. The Government of Lord John Russell adopted the recommendation of the Committee, and by a Treasury minute it was ordered that no other counties should be surveyed, except those in which the survey had already been begun. The Government of the Earl of Derby afterwards conceded the six-inch scale to the counties of Haddington and Fife; and thus the matter stood up to the time the right hon. Gentleman (Mr. Gladstone) became Chancellor of the Exchequer. No less than fifty-nine memorials had proceeded from public bodies in Scotland, all praying for an extension to them of the six-inch scale. The position, therefore, in which they had got in respect to this subject was, that either they must adhere to the rule laid down by the Government of Lord John Russell, and which had been departed from by the Government of the Earl of Derby—in which case they would give offence to the people of Scotland—or else they must adopt the six-inch scale, which had been condemned by the Committee appointed to consider the subject. Under these circumstances, there appeared only one course to be pursued, and that was to adopt a scale without reference either to six inches or to one inch. He himself ventured to recommend the adoption of a scale considerably larger than six inches, which would fulfil all the conditions mentioned in the Treasury minute to which he had referred, and which would be of use for all time. The scale he suggested was one of twenty-four inches to a mile. He had referred the matter to a very eminent engineer, Mr. Vignolles, and one of the Ordnance surveyors, Colonel Dawson—and the opinion which he (Lord Elcho) had expressed in favour of a large scale was confirmed by those gentlemen, but on the other hand it was opposed by the Ordnance, and by several officers of that department. Under these circumstances, it was thought the best course was to ascertain what were the opinions of practical men who thoroughly understood the question with reference to the point at issue. Accordingly, that able and indefatigable public servant, Sir Charles Trevelyan, wrote a circular addressed to members of counties, land agents, engineers, and various other parties, putting to them this question—whether, in the event of a larger scale being adopted for the survey of England, they were of opinion that that scale should be six inches or twenty-four inches, or, at all events, some other larger scale than six inches. He held in his hand a summary of the replies received to that circular. Of those replies 120 were in favour of the larger, and thirty-two in favour of the smaller scale. Subsequently Colonel Dawson suggested an intermediate or decimal scale of about twenty-five and one-third inches to the mile; and upon a similar course being taken with reference to that it was found that, while there were thirty-nine replies in favour of the twenty-four inch and sixty-two in favour of the twenty-six and two-thirds inch scale, there were seventy-nine in favour of the decimal scale. The whole correspondence relating to the decimal scale was submitted to Sir John Burgoyne, Mr. Blamire, and Mr. Rendle, three eminent engineers, and the Government, fortified by their approbation of that scale, published a Treasury minute, directing its adoption in the surveys of Ayrshire and Dumfriesshire, and providing that if the experiment should turn out favourably it should be applied to the whole of Scotland. The experiment had not yet been completed, and therefore the cost could not be ascertained; but from an estimate made by Colonel Jones, an officer of engineers, who had proceeded upon the assumption that the cultivated land should be surveyed on the large scale and the uncultivated on the one inch, which he (Lord Elcho) thought would be the best mode of proceeding, the cost would be 522,000*l.*, while the Estimate for the Ordnance map of six inches to the mile was 750,000*l.* He thought it would be most advantageous to publish the larger map, as it would be most useful for all property, sanitary, and engineering purposes, and also for agricultural statistics. The demand would soon show whether the population desired to possess the map, and he believed the cost of production would be covered by the publication of a few copies. With respect to the system of contouring, he believed that the cost of that process was estimated at about 4*l.* per square mile, or something like 120,000*l.* for the whole of Scotland; and he agreed with the Committee in the opinion at which they had arrived, that the process was not worth the money. He hoped that the Treasury would concur in this view, and would object to proceed with contouring. There would thus be a considerable saving effected; and by the system of running levels frequently along the watercourses, and at different points of elevation, all the advantages which were to be derived from contouring might be obtained at a much less cost. He trusted that the Chancellor of the Exchequer would direct his attention to the subject, and that as soon as the experiments which were now being made should be brought to a satisfactory conclusion, he would issue a Treasury minute deciding finally upon this much-vexed question.

Lord SEYMOUR said, he feared the noble Lord was calling upon the House to incur a very large expenditure, and without very sufficient grounds. We had had in England maps made on a very large scale for the Tithe Commission, and the landed proprietors had paid for them. It was now asked that maps should be made on a scale which was of no use to the public, or worse than useless for practical purposes, and which the public would have to pay for. What had the taxpayers of this country to do with the landed estates of gentlemen in Scotland, that we should be called upon to pay for surveying them? As for the large scale, it had been tried to some extent in the Island of Lewis, and the map of one county would be so large, that it could hardly be got into any room of any gentleman's house. Another objection was, that if a map were made in which every hedge and gate should be marked out, it would be necessary to correct that map every year or two, because alterations were constantly going on in the country. No doubt, the engineers would tell us that, when they had to make a railroad or any other work, the one-inch scale was not sufficient, but let those who needed, for their own purposes, a larger map of any particular locality, procure it at their own expense.

Colonel DUNNE said, he should be glad to know what was the difference of expense between the six-inch scale and the twenty-six and two-thirds inch scale? He did not suppose there was so much difference of cost between the six-inch and one-inch scales, because it would be necessary for a man to draw his sketch of the survey upon a scale as large as six inches to the mile at first, and it would be afterwards reduced for engraving. He thought a four-inch or six-inch scale quite sufficient for ordinary purposes, and then anybody who wanted a more detailed survey of his own estates might employ a man to enlarge the map.

Lord ELCHO said, that he had read to the House the estimate of Colonel Jones as to the large scale, and that of the Ordnance engineers with regard to the six-inch scale. According to Colonel Jones's estimate, the expense of mapping that portion of Scotland that was proposed to be done on the large scale was 522,000*l.*, and according to the estimate of the Ordnance officers, the expense of mapping the whole of Scotland on the six-inch scale would be 750,000*l.*, and on the one-inch scale 114,000*l.*

Mr. COWAN said, that the cost to the public of a copy of the one-inch map for Scotland would be 3*l.* 10*s.*, while one of six inches would be not less than 310*l.* A map of Scotland upon the one-inch scale would be thirty-six feet by twenty-one in size, while a six-inch map would occupy a space of 216 feet by 126, or more than three times the length of that part of the House in which they were assembled. He thought that the previous Government had been led away by one or two petitions, which had been got up in some mysterious manner in Scotland, and he trusted that the present Government would not sanction the expenditure of so large a sum as that which had been mentioned.

Mr. RICH said, he hoped that, between doing justice to Scotland and Ireland, some consideration would be given to what was due to England. He must protest against this demand as extravagant, and he trusted that the Chancellor of the Exchequer would resist the pressure which it was attempted to put upon him at a time when all the resources of the country were required to carry on the war.

Mr. E. ELLICE said, Scotland had been nothing but a scene of experiment for the last half dozen years, and he was extremely glad the question had been brought before the House; for, unless they took it into their own hands, Scotland might wait until the present generation had passed by before it obtained a good and useful map adapted for all purposes. The Committee, after examining many witnesses, were unanimously of opinion that on the score of utility, economy, and public opinion, the one-inch scale was the best to adopt. Their Report was acted upon by the Treasury; but a change of Government afterwards took place, and an agitation was got up, they never knew by what means, in order to petition the Government to reverse the order of the Treasury, and to act contrary to the Report of the Committee. The Chancellor of the Exchequer at that time, without taking a single step to ascertain how far the public of Scotland wished the alteration to be made, at once decided that the country should be surveyed on the six-inch scale. He hoped the House, however, would now arrive at some practical conclusion in regard to the scale upon which the map was to be prepared.

Mr. GLADSTONE said, he considered that the House was indebted to his noble

Friend (Lord Elcho) for giving hon. Gentlemen a convenient opportunity for expressing their opinions on a subject of very great importance—a subject with respect to which the manner in which it was conducted was not altogether creditable to their administrative system. Almost every step was taken at random and haphazard—sometimes a little forward and sometimes a little backward; but due consideration was never given to the immense extent to which they were about to commit themselves, nor was any deliberate calculation made of the cost to be entailed upon the public. The noble Lord the Member for Totness (Lord Seymour) might lay aside his fears and apprehensions as to anything being done during his (Mr. Gladstone's) tenure of office having a tendency to commit the House to any steps. When he came into office he found the question in a state in which it was impossible to continue. That step which was now complained of had been taken by the Government immediately preceding that to which he belonged, and, as it was supposed, in accordance with the wishes of Scotland; and after such a step had been taken, it was more difficult than at first sight would appear to refer all at once to the Report of the Select Committee. The question raised was a very large one, namely, whether they should prepare a map complete for all purposes, private as well as public, or fall back on the original or more contracted scale which was adopted in England, but was departed from in certain counties in Scotland, and throughout the whole of Ireland. It appeared to them that as the element of cost was the determining element in the case, the rational mode of proceeding was to enter on a course of experiments to such an extent as would enable them to lay before Parliament reliable data for the purpose of ascertaining the comparative cost of the different scales. That had been done, and the Votes of the last and present year were taken with the view of obtaining that knowledge, and placing it before Parliament as rapidly as possible. It was proposed that certain districts should experimentally be surveyed and engraved on the larger scale; but they did not think it safe to take that course, for after having conferred so considerable an advantage and privilege at the public charge upon certain districts, it would be impossible for them to take any other course than to proceed and make a survey over the entire country on the extended scale. That, however, was a question which would require the careful consideration of the House when the proper time arrived.

THE LORD ADVOCATE said, in his opinion the twenty-five and one-third inch scale would be the most valuable and useful of the larger scales proposed, though the one-inch scale might be most available for ordinary purposes. There was one reason why he should himself be in favour of the twenty-five and one-third inch scale—that it would enable Scotland to carry out the great object of simplifying the conveyance of land by having a public map available for purposes of boundaries between private properties.

MR. DUNLOP said, he would entreat the House not to prejudge this matter before the materials for deciding upon it were before them. This was not a Scotch question alone, but one affecting the entire country. Within the last few days millions of money had been voted for warlike purposes without opposition; but now that an experiment for a great object of scientific and civil improvement was proposed, hon. Gentlemen started up and objected to it.

MR. H. BAILLIE said, he trusted the Chancellor of the Exchequer would adopt that plan which he thought would be most satisfactory both in Scotland and in England—namely, the one-inch scale, which he believed would be well adapted for all useful purposes.

COLONEL BOLDERO said, he would suggest the adoption of a uniform scale of two inches, which had been found perfectly satisfactory in those parts of England where it had been carried out.

LORD SEYMOUR said, it was his intention, when the Resolution for the scientific branch was brought up, of moving the reduction of the estimate by the sum of 53,000*l.*, being the sum taken for Scotland, upon the understanding that the Government would bring in a supplemental estimate for the survey.

CAPTAIN ARCHDALL said, he wished to draw attention to the proposed encampment upon the Curragh of Kildare, and at the same time he hoped that it would be so managed as not to prejudice the training of race-horses now carried on; and also that it would not be allowed to interfere with the private rights which the holders of property adjacent had acquired by usage or custom.

MR. MONSELL said, that, in erecting barracks on the Curragh of Kildare, care would be taken not to interfere with the rights of property, or with the training of race-horses in that neighbourhood. He would take that opportunity of suggesting to the noble Lord (Lord Seymour) the propriety of agreeing to the Resolution for the scientific branch, because, upon whatever scale it was decided to make the map, the money asked for in the estimate would be required. He admitted, with his right hon. Friend the Member for the University of Oxford (Mr. Gladstone), that this was a question in which the expenditure of millions of money might be involved, and it therefore required the deliberate decision of the House. That decision, however, could be given hereafter by the noble Lord moving a Resolution, pledging the House to the adoption of a certain scale.

Mr. ELLICE said, he wished the Vote to be suspended until the House had some positive assurance from the Government. It was a scandal to the Government that Scotland should have been so long left without a map. He hoped that the noble Lord (Lord Seymour) would press that the Vote be diminished by 53,000*l.*

Mr. FERGUS said, that several counties in Scotland had been done on the six-inch scale, which the people of Scotland most desired. As to the Highlands, the population would not break their hearts though no map of the Highlands were made during the present generation.

Sir HENRY WILLOUGHBY said, he begged to ask if the hon. Gentleman would produce the papers to which he had on a former occasion referred as to the extent of additional barrack accommodation required? The Votes which the Government proposed for this purpose were large, Aldershot alone amounting altogether to 475,000*l.*, and the total expenditure would greatly exceed 1,000,000*l.* Surely the House ought to have some details before it to justify such a serious expenditure.

Mr. MONSELL said, there would be no objection to lay the information upon the table if the hon. Gentleman would move for it.

Colonel DUNNE said, that an impression had gone abroad that the only breech-loading carbines submitted to the authorities had been those invented by an American and a Frenchman. He had himself understood the hon. Gentleman to say that others had been submitted, and he wished to know if his impression was correct. He was also desirous of asking if it was intended to change the 6-pounder gun of the Horse Artillery to a 9-pounder?

Mr. MONSELL said, that 9-pounders had already been substituted for 6-pounders for the Horse Artillery in the Crimea. As to the other question of the hon. and gallant Member, what he had stated on a former evening was, that a large number of breech-loading carbines were sent in, carefully inspected and tried, and his own belief was, from all he had heard, that Mr. Sharpe's and M. Lenoir's were the best. No official decision had yet been arrived at, but he hoped in a very short time that that decision would be given, and steps immediately taken to provide the service with the arm.

Mr. KINNAIRD said, he wished to know why so many 6-pounder guns had been shipped for the Crimea when their inferiority had been ascertained at the close of the last war.

Mr. MONSELL said, the Ordnance acted upon the directions of the military authorities, whose business it was to decide on the calibre of the guns. He thought the hon. Member was incorrect in supposing a large number of 6-pounders had been sent to the Crimea. Only one 6-pounder battery was sent out, but it certainly was the prevailing opinion at the time that the Horse Artillery should have 6-pounder guns. Experience had led to a different conclusion, and 9-pounders had been substituted.

1st Resolution *agreed to.*

On the 2nd Resolution, 158,196*l.* for scientific services, including the maps and serveys for Scotland,

Lord SEYMOUR said, as he had intimated his intention to do, he would now move that the Resolution be reduced by the sum of 53,000*l.*, required for the latter purpose.

Viscount PALMERSTON said, with respect to the matter now before the House concerning the Ordnance survey, it seemed to him involved in very considerable doubt. He was informed that experiments were going forward in Ayrshire and in Dumfriesshire with regard to the large scale. These experiments were only to be made to a limited extent, and would be concluded in the month of July. He should think that no portion of the money now voted would be necessary for that purpose. The whole sum voted would not be sufficient for the execution of the map on the one-inch scale, and he should suggest to the House that it should be clearly understood that nothing more should be done regarding the large scale than completing the experiment which was now going forward, and which would be, as he had already stated, finished in July. The House could then consider and decide what course it would adopt.

Lord SEYMOUR: Then was the House to understand from the noble Lord that nothing would be done respecting the larger scale except finishing the experiment?

Viscount PALMERSTON: Nothing further shall be done until further arrangements are effected.

Sir JAMES ANDERSON said, he thought the people of Scotland had great and just reason to complain of the manner in which their country had been treated as to its survey.

Mr. GLADSTONE said, he hoped, if the experiments were concluded in June, and the House were sitting, as it generally was till the beginning of August, that no delay would take place in bringing the matter to a final decision.

Mr. E. ELLICE said, it was his opinion that nothing should be done on the larger scale, until the subject again came under discussion upon the Estimates next year.

Lord ELCHO said, he saw no reason why the House should not finally determine the question as soon as these experiments were fairly concluded, and, if possible, before the close of the present Session. He was astonished at the course taken by several Scotch Members in opposing the extended scale. Scotchmen generally knew what was to the advantage of their country, and they usually pulled together to secure it. The hon. Member for St. Andrew's rather pooh-poohed these memorials, but among the fifty-nine which had been presented from almost every county in Scotland in favour of the large scale, one was a memorial from the town council of St. Andrew's. It was well known to Scotch Members, though not perhaps so well known to others, that the hon. Member was a Highland proprietor, and the only bit of cultivated land he possessed was a small garden. He thought it rather selfish of the hon. Gentleman to advocate the small scale, to the prejudice of his Lowland friends, who had not the happiness to live in so picturesque and wild a part of the country. He hoped that, before the question came on for discussion, hon. Gentlemen would read the blue book, which contained every information that was required on the subject.

Mr. BAILLIE said, he gave the noble Lord all due praise for his desire to promote an undertaking so useful as that of the survey of Scotland, but he at the same time thought the feeling of the House was so much against the great expense of surveying the whole of Scotland on the scale proposed, and seeing that it would only serve more immediately the interests of the landowners of Scotland, that he would suggest to the noble Lord not to press the matter further, especially when it appeared to be the general opinion that any survey on so large a scale ought to be at the expense of the gentleman whose property would be benefited by it.

Mr. LOCKE said, the map on the larger scale might be a good thing, but it did not follow that it would be a good thing for the House to spend the public money upon it. He must deprecate any further experimenting upon this subject, the only effect of which had been to prevent the public having a map at all. The Ordnance authorities, after the sort of rebuke which the Committee had administered to them, had systematically attempted to thwart it, for they had been experimenting upon every scale except that which the Committee had recommended.

Mr. JOHN MACGREGOR said, he considered that there ought to be one uniform scale for the whole of Great Britain; and the inch scale was very nearly that of the great military surveys of France, Austria, and Prussia.

Mr. CRAUFURD said, he must protest against the views advanced by the hon. Member for Inverness-shire (Mr. Baillie), and at the same time he would beg to express his entire concurrence in what has been stated by the Lord Advocate, and in the suggestions made by the noble Lord the Member for Haddingtonshire (Lord Elcho), to whom Scotland owed a debt of gratitude for the zeal and the ability which he brought to bear on so truly important a subject.

The LORD ADVOCATE said, he was sorry to hear hon. Gentlemen speak of the larger map as if it would be of no use except to the landowners. It might be quite true that the expense of executing the map might be greater than the benefit to be derived from it—that was a completely different question. For statistical and sanitary purposes a map on the large scale would be a national work of the greatest possible importance; and this not only as regarded Scotland, but likewise England and Ireland. He hoped that the experiment would be fairly tried, and that hon. Members would suspend their judgment until they saw the result.

Amendment, by leave, *withdrawn.*

Resolution *agreed to.*

On the Third Resolution,

Colonel NORTH said, a circumstance had just come to his knowledge which induced him to ask a question of the hon. Gentleman the Clerk of the Ordnance. It had very recently been stated in another place by the noble Lord the Minister of War, that those enormous Votes which a Committee of the House had lately passed for building barracks in different parts of the country, were not to be acted upon until a reorganisation of the Board of Ordnance was effected. He begged to ask the hon. Gentleman whether he could give the House any information on the subject?

Mr. MONSELL said, he would endeavour to answer the question of the hon. and gallant Gentleman, though he begged to state that he had not had the opportunity of hearing the speech to which the hon. and gallant Member had referred; but he could understand that the noble Lord must have stated, in reference to those large works—the new barracks, which had been voted for so liberally—that their construction would not be commenced until the reorganisation of the Ordnance Department. He believed that reorganisation would take place in a very short time, and that there would be no delay in carrying out the works. He thought, however, it was the duty of the Government, even independently of the reorganisation of the Ordnance Department, to take into consideration the very strong feeling expressed by the House with respect to the mode of constructing the new barracks, and particularly to the establishing of day-rooms in them for the use of the soldiers. They would neglect their duty if they attempted to carry out those large Votes without paying due consideration to the suggestions that had been made in the course of the discussions in Committee.

Resolution *agreed to.*

THE COLONIAL DEPARTMENT.

On the Motion that the House resolve itself into a Committee of Supply,

Sir JOHN PAKINGTON: I wish, Sir, to take this opportunity of calling the attention of the House to the present extraordinary state of the Colonial Department; and, in doing so, not only do I wish to address inquiries to Her Majesty's Government on the subject, but to call their attention to a state of the public business as connected with that department which is not only unusual and extremely unsatisfactory, but which also appears to me to be hardly decorous. Since I made some inquiries on this subject some time ago, questions have been put in another place upon the same subject, and the answers to those questions are so little satisfactory that I feel bound to renew the inquiries, and to ask for a reply from the noble Lord at the head of the Government. When, on a former occasion, I inquired of that noble Lord what were the prospects of a responsible Minister taking charge of the colonial affairs of this country, I was told that the absence of the noble Lord the Member for London would not be so long as I supposed; and I find that the other night, when a similar inquiry was made in another place, precisely the same words were used in reply. Now, I beg to remind the noble Lord (Viscount Palmerston) that neither the noble Lord who made that inquiry nor myself expressed or, indeed, entertained any supposition on that subject. We wanted to know the supposition of the noble Lord himself. We found the Colonial Department without any responsible Minister to transact the business of that department, and we wished to be informed by Her Majesty's Government how long this state of things was likely to continue. But part of the answer given to the inquiries in another place struck me as being so peculiar that I think it forms an additional reason for calling for some further explanation. If I am rightly informed, the noble Lord who replied to that question stated that it was not the intention of the noble Lord the Member for London, who is now at Vienna, to do more than settle the general principles of a treaty, and that he should not think it necessary to remain until all the details of that treaty were arranged. Now, it seems to me that that was a most extraordinary, and, I must also say, a most unsatisfactory statement. I certainly thought that the general principles of those negotiations had been already laid down. I should have thought that the general principles of any treaty to be now formed, or any negotiations to be entered into, were the simplest and easiest part of the duty of the noble Lord, and that the most important part of that which he had to decide upon—having been sent on a special mission of this kind—was to settle all those details which are so essential and important to the satisfactory arrangement of a treaty of this kind. I can only conclude from the statement to which I am referring that the noble Lord the Member for London finds himself so embarrassed by the two incompatible positions which he now fills that, after having left the colonial business in this country in a state of uncertainty, he is about to return to it without finishing the negotiations he has undertaken. My object, however, has not so much relation to the negotiations at Vienna as connection with the state of the colonial business in this country. Under all circumstances, I believe there never was a moment when it was of more importance that there should be a responsible and an able Minister at the head of that department than the present moment, when the Colonial Secretary is at Vienna conducting a negotiation. I believe such a state of things is not only, as I have said, most unusual, but that, in fact, it is without precedent. I am perfectly aware of the fact that Lord Castlereagh, during the time he was holding the office of Secretary of State, went to Vienna to conduct negotiations, but the House will remember that at that time Lord Castlereagh held the office of Secretary of State for Foreign Affairs, and that the business on which he went to Vienna was closely connected with the department he conducted and the office he held; but I know no case similar to that which we now contemplate of the business of a great department, at a moment of peculiar interest and importance, left without any representative in Parliament, not even an Under Secretary of State, to answer an inquiry in this House, and having its Secretary of State engaged in the conduct of negotiations at Vienna. I am aware the right hon. Baronet opposite me (Sir G. Grey), who now holds the office of Secretary of State for the Home Department, has intimated that he would give his attention to colonial affairs. I do not wish to disparage the right hon. Baronet's well-known abilities, but I affirm that neither the right hon. Baronet nor any other man is competent to discharge, for any lengthened period, the duties of those two important departments together. I consider that the attempt to do so is to hold out a most false view of public affairs, by leading the country to suppose that one man can duly discharge them, especially at a moment like the present. I beg to remind the House of the threatening—I will not say alarming—intimation which, since the noble Lord accepted the seals of the Colonial Department, we have received from the Cape of Good Hope. I am informed, though I speak under correction, having no official knowledge, that the well-known chief Moshesh, one of the most powerful chiefs of South Africa, and one who is at the head of a powerful tribe, has already given cause for considerable uneasiness. I hear also, for the first time, that there is reason to fear not only the Kafir but the Fingo tribe, hitherto one of the tribes most devoted to British interests. It is too possible that the state of England at this moment, involved as the country is in a great European war, may have become known to the intelligent natives of Southern Africa, and may in some degree have contributed to the course they are supposed to have taken. The House will recollect that we have lately sent a new Governor to South Africa—a gentleman well known in other colonies, and who, no doubt, would be most attentive to his duties in South Africa; but still he has had no experience of the circumstances to which I have adverted, and this I say is another reason, and a strong one, why the exclusive attention of some Minister should be devoted to colonial affairs. Then again, what is the state of the colony of Victoria? In Victoria, if the accounts are true, we have had a proceeding which I can only speak of as an insurrection. Blood has been shed. There has been a struggle—a most anxious and exciting struggle. Between that mixed and peculiar population, which now fills the gold districts and Her Majesty's troops a collision has taken place, and although by the decision evinced by Sir Charles Hotham the disturbance has been put an end to, there remains the fact that the state of Victoria is a most critical one. This is not the only question of interest in Victoria. I again speak under correction, but, so far as I have been informed, I believe a question which has much agitated that district of late, is that of the admission of convicts. The Convict Prevention Bill is still an unsettled question, and there is a strong, and not an unnatural, feeling on the part of the colonists of Victoria with reference to the indiscriminate admission of a large number of convicts from Van Diemen's Land. This, then, is another ground for anxiety, and a most important reason why some Minister should be here to devote his exclusive attention to these serious affairs. I say also it is not satisfactory to have these Australian Constitution Bills hung up as they now are for an indefinite period, waiting the return of the noble Lord (Lord J. Russell) from Vienna. These Constitution Bills are part of a bargain entered into by the Government of Lord Derby, with which I had the honour of being connected, whereby certain concessions were made to the colonies, the most important of which was, that they should have the management of the land in their own hands, on condition of improving their constitution. The colonies have performed their part; they have sent home these Bills for altering the constitution, and two years have elapsed and yet nothing has been done on them. I have some doubt whether those Bills ought not to have been proceeded with last year, and I don't know what explanation the right hon. Baronet can give on that point; but two years have passed since the required concessions have been made, and I know, as I have said before, that gentlemen of great eminence in these colonies are now in England at much inconvenience waiting until the Bills pass; and when they call at the Colonial Office they are told that the whole matter must await the return of the Secretary of State for the Colonies (Lord J. Russell) from Vienna. Now, Sir, I have mentioned several important subjects involving questions of high State policy, and requiring the attention of a Minister of State; let me remind the House these are not all. I see before me hon. Members who have been connected with the Colonial Office, and who know the truth of what I say when I state that scarcely a day passes when there do not come despatches from every part of our colonial empire, some involving matters of high State policy, such as I have already adverted to, and other personal questions of local interest—questions of individual right and individual justice—and I do say that Her Majesty's Government ought to be in a position to give such matters attention. The colonies labour under sufficient disadvantage in being at so great a distance from this country, and I think that when they bring forward matters such as those to which I have adverted, they have a right to expect that there should be a Minister ready and willing to attend to them. It is altogether inconsistent with the usual course of public business in this country that there should be no Minister to attend to matters of great colonial importance when they are brought here; and I must say, that I think, when the country finds one great department of the State, involving interests of vast magnitude, to be thus neglected, that it will occasion feelings of great dissatisfaction. But consider the question in another light—what will be the effect upon the minds of the colonists? Will not they feel justly that this practical suspension of attention to their affairs, and this absence of the Colonial Minister, are in a great degree disrespectful to them? I think that it is natural that such should be the case, and I have reason to believe that it is so; because I know that that will be the light in which some of the most important colonies of the Crown will regard the present state of the Colonial Office. What is the moment when this neglect is exhibited? It is a time when the colonies have come forward and have evinced a most laudable desire to support the mother country in the war in which she is engaged. From one end of the colonial empire to the other assurances have been received by Her Majesty of loyal co-operation and devoted sympathy in the struggle in which this country is engaged; and there could not, therefore, have been a moment more unhappily chosen for taking a disrespectful step towards the colonial empire than the present. I have felt, Sir, it to be my duty to call the attention of the Government to this subject, and I trust that the noble Lord at the head of the Government will give some assurance with respect to it more distinct and satisfactory than he has yet done. We have been told in another place, that the noble Lord the Member for London is expected to return to this country about Easter. But that assurance has been given in a very vague and indefinite manner; and, looking at the nature of the negotiations in which the noble Lord is about to be engaged, I think it extremely improbable that he will be here so soon as Easter. But, even if he should, I contend that the delay which has already taken place, is one which ought not to have occurred. Unless we can obtain a distinct assurance upon this subject, I hope that Parliament will consider it to be its duty to interfere to put an end to this unsatisfactory state of things; but I trust that the First Lord of the Treasury will be able to hold out an assurance, that before long there will be at the head of the Colonial Department, some responsible Minister who can give his undivided attention to the important duties required of him.

VISCOUNT **PALMERSTON**: Sir, I

must entirely deny the assumption on which the right hon. Baronet opposite grounds his observations—namely, that colonial matters are neglected, or that any slight has been placed upon the important colonies of this country. The right hon. Baronet says there should be some person in Parliament responsible for what they have done, or have not done with regard to the colonies. Sir, there are persons in Parliament so responsible. My right hon. Friend the Secretary of State for the Home Department and myself are responsible; and if the right hon. Baronet or any other hon. Member of this House thinks fit to bring forward any charge against the Government for neglect of colonial matters, we are perfectly ready to stand here in our places to justify our course, and to be responsible for the management of them to the country. The right hon. Baronet expressed a very natural curiosity to know what is the particular course which my noble Friend at Vienna is going to pursue in the negotiation with which he is charged—what he is to insist upon—how long is he to insist upon it—what he is to be satisfied with—when he is to come home—or if he is going to break off the negotiation or to conclude it. I am sorry I am not at liberty consistently with my public duty to gratify the very natural curiosity of the right hon. Baronet. [Sir J. PAKINGTON: I made no such inquiry.] The right hon. Baronet made something very like an inquiry. I can only say, Sir, from the communications we have received, that we do not anticipate that my noble Friend's stay in Vienna will be so protracted as the right hon. Baronet expects it to be. But really the way in which this question is put would lead one to think that never was there a case before in which an office was vacant or the holder of an office was absent. But the right hon. Baronet himself gave an instance of a case in which a Secretary of State was very long absent from this country, and although the matters which he had to deal with were connected with the department which he held, yet, allow me to say, that there was a vast number of other important affairs to be dealt with by the department at home, and though no minister was there, the officers of the Foreign Office did not follow Lord Castlereagh when he went to attend a congress at Vienna or at Paris. Does not the right hon. Baronet recollect the period when one individual held the offices of all the Secretaries of State, and from the beginning of November to the end of December or the beginning of January, was the only responsible person accountable for all the offices? There was such a period, and I think the right hon. Baronet, on refreshing his memory, will find that he was not much disposed at that time to find fault with the arrangement. I deny that any inconvenience is sustained, or that colonial affairs are at all neglected. Any decision that is to be taken, will be taken on the responsibility of my right hon. Friend (Sir G. Grey), aided if necessary by the concurrence of his colleagues, and we stand here responsible for my noble Friend (Lord John Russell), and in his place, and perfectly ready to answer upon any matter in which the management of the Colonial Department may be questioned either by the right hon. Baronet or any other person in this House.

MR. ADDERLEY said, he thought the question before the House was whether such a combination of offices as at present existed was advisable without absolute necessity. If the noble Lord had made out such a case of necessity no person could say anything, for necessity overrides all laws; but the noble Lord merely sought to shelve the question by saying that if the right hon. Baronet (Sir J. Pakington) had any charge against the Government let it be brought forward. There was no charge made against the Government; the question was not put in the shape of a definite Motion, and could in no way embarrass the Government. If the Government could not recommend any person to Her Majesty to take this department, the question would be embarrassing; but they had no idea that the noble Viscount was reduced to such an extremity. He would support the right hon. Baronet if he pressed the question by a definite Motion, because he could not see that it would embarrass the Government. It would be small consolation to him if the present state of affairs shook the attachment of some of the Colonies, or caused the loss of others of them, that they should be able to impeach the noble Lord or to inflict condign punishment upon him. If the noble Lord could even be beheaded it would be little consolation to him (Mr. Adderley), or to the country, if the Colonial Empire of England was damaged. The present was a most critical period in colonial affairs, and was the most unfortunate that could have been chosen for a combination of offices. At the close of the last century, when Mr. Dundas was offered the War Office, it was observed by him that he had all work and no patronage. The Colonial Office was therefore thrown in, where there was no work, while, at the same time, it was full of patronage. But that was not the case in these days. The consequence of the junction of the War and the Colonial Departments was a state of such confusion in the office that it had been wittily described by Lord Derby as "the office at war with all the Colonies." As long as the injury produced by this arrangement was confined to the Colonies no alteration was made, but when it was brought home to ourselves by the breaking out of the war it was found necessary to separate the two offices. He was willing to allow that if ever the colonial sytem of England became what it ought to be, the work of the Colonial Office would be so far reduced as might even admit of its being added to the Home Department, but the Colonies had not yet arrived at that position of self-administration which he hoped they were destined soon to attain. They were only in a transition state at present, but the system of local self-government had been recognised, and when it should be fully carried out, there perhaps would no longer be any necessity for a separate Colonial Department. At the present moment constituent powers were being given to the principal Colonies, but agents who came over with Constitution Bills and Petitions from those Colonies found the Colonial Office shut up. The Constitution Bills of the Australian Colonies were now in the hands of the Government, and it was a matter of paramount necessity that they should pass without delay. He hoped, therefore, that the Government would not wait until negotiations at Vienna, which had nothing to do with them, were completed before deciding what course should be taken with respect to them. He believed that the riots which had taken place at Victoria, and which had produced the lamentable result of the first Australian blood having been drawn by English troops, might have been avoided if there had been no delay in establishing the Constitutions of that Colony; but at all events, if the Colony had enjoyed self-government the responsibility of the measure which had led to the rioting would have rested with the Colonial Legislature, and this country would in no way have been implicated in the matter. Again, there was some apprehension of an outbreak in South Africa. Now, if that Colony had been entrusted with the power of local self-government it would, of course, have taken measures for its own self-defence, and this country need not have been under any anxiety about the threatened war. The cause of all the Kafir wars had been the destruction of the local system of self-defence in that Colony. There were other omissions which showed the necessity for the Colonial Minister being at his post. Had the noble Lord been at home, he was sure Canada would not have remained so long without receiving the formal thanks both of Parliament and of the Sovereign for the loyal and patriotic spirit which the Colony had evinced towards the mother country in connection with the war, nor would the offers which parties residing in that Colony had made to raise regiments at their own expense to serve in the Crimea have long remained not only unaccepted, but even unanswered. It might be a matter of sentiment, but it was a matter of the most important consideration, that the Colonies were deeply attached to the Sovereign of this country; that feeling, however, was a sensitive feeling; they were proud of being connected with this country; they were proud of owing allegiance to Her Majesty; but pride is of a sensitive character; the slightest breath that was cast upon this feeling of honourable attachment, calculated to imply neglect or contempt, might convert it into a feeling of hostility and alienation. He was afraid some such construction might be put upon the absence of the present Colonial Minister, and rejoiced therefore to find that the subject had been brought under the notice of the House.

Sir GEORGE GREY: I do not think, Sir, the question raised by the right hon. Baronet the Member for Droitwich is whether an indispensable necessity existed for my noble Friend (Lord J. Russell) to accept the seals of the Colonial Department while he was on his way to act as the Plenipotentiary of this country at Vienna; nor do I think that a question is raised on the present occasion as to the permanent union of the Colonial Office with another great department of State, but the question is whether such a degree of public inconvenience arises from the arrangement made for the conduct of the business of the Colonial Department, during the temporary absence of my noble Friend at Vienna, as to call for the interference of this House. Well, then, Sir, that being the question, I am perfectly ready to state that I do not feel myself competent to undertake permanently, or for any length of time, the duties of the two offices which I now virtually fill, and I shall be sincerely rejoiced when I am released from the additional responsibility which has been thrown upon me by the return of my noble Friend from Vienna. When my noble Friend had intimated his willingness to accept the seals of the Colonial Department it appeared to me, so far from that acceptance being looked upon as an insult by the Colonies, that the colonists would hail it with satisfaction; and when he asked me to act for him during the few weeks which would probably elapse before his return, I said that, although I felt the additional responsibility which would be thrown upon me, I thought it was a duty I owed to the country not to shrink from giving any assistance in my power to an arrangement which I believed to be conducive to the interests of the Colonies. When, however, I hear the hon. Member for North Staffordshire (Mr. Adderley) state to the House that the whole of the colonial business is at a stand—that, in fact, the office is shut up, and there is no one there to attend to business at all—I must take leave to contradict that statement, and, still more, to say that I do not believe that during the short time the present arrangement has existed any practical inconvenience whatever has resulted. As to the case of such an arrangement being permanent, or, indeed, long protracted, I admit the force of the argument of the hon. Gentleman, but I trust that the absence of my noble Friend will not be of any long duration. If the arrangement had been of a permanent character there might have been some force in the observations which have been addressed to the House; but being only intended to last for a few weeks, I cannot help thinking that they are quite uncalled for. I do not think it advisable now to enter into the subjects of discussion which the hon. Gentleman who last addressed us touched upon, either respecting transportation or with reference to the offer from Canada to send a regiment to the Crimea, I can only say that I do not think that even the ingenuity of the hon. Gentleman can in any way connect that circumstance with the arrangement now existing in the Colonial Office. I will, however, briefly advert to the four cases in which it has been stated that inconvenience has arisen from the present arrangement. First, with regard to the Cape of Good Hope. The letters which have been received from the Governor give only too much reason to apprehend that the peace which had been established with the Kafir tribes was one which could not be considered permanent, unless measures were taken to consolidate the arrangements which had been made, and to provide efficiently for the safety of the Colony, and it therefore became my duty to press upon the Colonial Government the importance of inviting the attention of the Legislature at the Cape to those measures which appeared to be indispensable towards completing the defence of the Colony. Yesterday week despatches were received from the Governor at the Cape stating that he had received intelligence which rendered it incumbent upon him at once to go to the frontier. That intelligence was no doubt, of an alarming character, but, at the same time, it was doubtful and conflicting, inasmuch as persons who possessed equally good opportunities of acquiring information give a different version of the state of feeling among the Kafir tribes. It is, however, impossible to deny that the state of the Colony is critical. It appears, however, that the Governor was on the point of proceeding to the frontier, but he did not think that it would be necessary for him to use the power which he possessed of drawing a regiment from the Mauritius, or that he should be obliged to call upon the home Government for any additional force. I am at present stating the opinion of the Governor, but at the same time it is impossible to say that events will not occur to change that opinion. The Government have had the despatch of the Governor before them, and they have taken it without delay into consideration, and have adopted those measures which appeared to be necessary for strengthening the hands of the Governor. I do not know what my noble Friend would have done had he not gone to Vienna, but I do not think that he could have done more than has been done, nor am I prepared to admit that, acting as I have acted, with the concurrence of my colleagues, any danger or inconvenience has arisen to the public service. The next point to which I come is the state of the Colony of Victoria, and the disturbances alleged to have taken place there. I can only say that the Government have as yet received no official information on the subject of those disturbances. I was surprised that the right hon. Gentleman (Sir J. Pakington), upon information so imperfect as that which has reached this country, and knowing the patriotic feeling which existed in the colonies, should apply to those disturbances the epithet of "insurrection." I believe, and I judge only from the information which has appeared in the public prints, that the tumult was suppressed in about twenty minutes, not, however, unfortunately, without some loss of life, and I trust that future accounts will show that the affair was not so serious as has been represented; but, however that may be, I ask what, if my noble Friend had been in England, could he have done under the circumstances when the same account which informs us of the tumult also informs us that it has been suppressed, and that peace and order have been restored throughout the district? With regard to the supposed Newfoundland difficulty, I believe that all great questions relating to that Colony had been settled before I gave up the seals of the Colonial Office, and I am not aware that any question remained, except, indeed, one to which the right hon. Baronet has referred. The deputation to which he alluded were the bearers of an application on the part of the late Assembly of Newfoundland, for the removal of the Governor of that Colony, who was appointed by the right hon. Gentleman in 1852. I am bound to say that I do not think that the removal of a Governor of a colony is a question upon which a Secretary of State ought to announce any decision at a private interview. With regard to the Australian Constitution Bills, I had hoped before the present time to be able to submit to the House certain measures upon the subject of those Bills, but the case has not been quite correctly stated. The right hon. Baronet said that those Bills were passed two years ago, and he complained that they were still lying in the Colonial Office.

Sir JOHN PAKINGTON said, he wished to explain that he had not stated that the Bills were passed two years ago, but what he said was, that the arrangements which had been made two years ago had led to these Bills.

Sir GEORGE GREY: It is quite true that the despatch which led to those Bills was written two years ago, but let us see if there is any real foundation for the charge of delay brought against the Colonial Office. Three Bills were passed—one relating to Victoria, another to New South Wales, and another to South Australia. One of those Bills, and that not the least important of them—the one relating to Victoria—was only received in the month of May last. All these Bills required the most careful investigation, and they were referred to the legal advisers of the Crown, whose Report was not received until after the prorogation of Parliament, so that it was impossible that any steps could have been taken in the matter last Session. The right hon. Gentleman does not appear rightly to apprehend the course which has been adopted. The real state of the case is, that the colonies understood that they were invited by the right hon. Gentleman himself not to confine themselves to the powers conferred upon them by the Act of 1850, but to go beyond those powers, and to pass Bills which, professing to alter Imperial Acts, could not receive the assent of the Crown unless with the previous consent of Parliament. The right hon. Gentleman has referred to four Bills, and I may state at once that, in the case of the three Colonies to which I have alluded, I think that the course which was adopted of not confining them to the powers conferred upon them by the Act of 1850, but of permitting them to go beyond those powers, was most inconvenient. In the case of Van Diemen's Land, where no Act had yet been passed, I pointed out the inconvenience of the course which had been adopted in those Colonies, and I suggested that the Legislature of that Colony should confine themselves within the powers conferred on them by the Act of 1850, and since I relinquished the seals of the Colonial Office I have received from the Governor of Van Diemen's Land a despatch transmitting an Act which has been passed by the inhabitants of that Colony in accordance with my suggestion, which he tells me will, in his opinion, work well. In this case, therefore, the assent of the Crown may be given without the consent of Parliament, and the result will be that the Act which was last passed will probably come first into operation. When I said that I hoped to have been able to introduce Bills upon these subjects, I must remind the right hon. Gentleman that it is not an easy thing to introduce a Bill of importance, and to secure the attention of the House to it, at a period when it is engaged in voting the means for carrying on the war, and I do not think that any of the nights appropriated to Government business this Session could have been spared for the consideration of the measures to which I have referred. I can also state that I have been in communication with my noble Friend (Lord J. Russell) on the subject of these Bills, and that he has devoted great attention to the subject. I hope that the result of this discussion will be to remove any impression that the Colonies are being neglected; and I can only add that, although the present arrangement could not, in my opinion, be justified as a permanent one, still, for a brief period, no inconvenience will be felt in consequence of it.

Mr. LOWE said, he was desirous of offering a few observations on a remark made by the right hon. Member for Droitwich, who had said that he had entered into a compact with the Australian colonies. The right hon. Baronet had not said what that compact was, but he gave the House to understand that the form of constitution to be submitted to the House was in a great measure the result of a compact which he had entered into with the Colonies when he was Colonial Secretary. Now, he (Mr. Lowe) considered that it would be most injurious if the compact which the right hon. Gentleman seemed to have entered into should be carried out; and when the proper time came for so doing he believed that he could show the House conclusive reasons why such a compact should not be sanctioned. At present he would confine himself to explaining why he thought that the right hon. Gentleman should not have entered into the compact to which he had referred. In 1850 it had been the pleasure of the House, contrary to his (Mr. Lowe's) opinion, to delegate to the Australian Colonies, unversed as three out of four were in the ordinary functions of self-government, the powers of a Constituent Assembly, the power of forming their own constitution. He objected to this, because he did not think that the Colonies were at that time sufficiently advanced to effectually carry out the powers so delegated, and the result had confirmed this impression. The policy of the Act of 1850 was this—the House washed its hands of the question of the colonial constitutions, and left to the Legislature of the Colony the power of choosing that which it might deem best, preserving to Her Majesty, but not to that House, the power of assenting to, or of disapproving thereof. He thought that, after this Act, the attitude of that House towards the colonial Legislatures on the subject of their future constitutions ought to have been one of rigid impartiality; it ought to have abstained from expressing any wish with reference to the constitution of the Colony; because, in the first place, by the expression of such a wish, or by the use of any influence to carry it into effect, they were contravening the spirit of the Act of Parliament; and, secondly, they were by so doing throwing upon the Government of this country a responsibility which ought to devolve on the colonial Legislature. Unhappily, the right hon. Member for Droitwich did not take this view of the case, but in 1852 as Secretary of State for the Colonies, he addressed a despatch to the Governor General of Australia, in which he stated that it was his opinion that the Upper House in the Legislature ought to be nominated by the Crown. He would not now discuss the propriety of such a nomination, as the question was one which Parliament in 1850 had delegated to the Colonies, but it appeared to him (Mr. Lowe) the right hon. Gentleman had misconstrued the Act of 1850, and mistaken his duty as Colonial Minister, when he offered to give the Colonial Legislatures absolute dominion over the waste lands of the Colonies if they would consent to the Upper House being nominated by the Crown. He would beg to ask the right hon. Gentleman and the House what possible interest they could have in preventing the Colonial Legislatures from adopting a form of government which seemed to them best suited to their local circumstances, and why should they give their dominion over their waste lands to induce them to do so? What would the right hon. Gentleman have effected even if he succeeded in fixing on the necks of the colonists that which was detested by the majority—namely, a nominated Upper House? Why, the result would be that, instead of the unpopularity of such a step devolving on the colonial Legislature, it would devolve upon the Home Government, and the policy of the Act of 1850, which was to relieve the Government of this country from such a responsibility, would be evaded. He, for one, protested against the House of Commons or the Government being in any way bound by what had been done by the right hon. Gentleman. He would not at present anticipate discussion on this question, but would enter fully into it whenever it should be submitted for their consideration; but, in the meantime, he begged the House not to consider the question prejudged or prejudiced by any step which had been taken by the right hon. Gentleman. He also begged the right hon. Gentleman (Sir G. Grey) who for a time would hold the seals of the Colonial Office to avoid the example set him by his predecessor, and to deal with this question in a spirit of impartiality, and, whether his opinions were in favour of a nominated or elected Upper House, not to let that weigh with him as a grain of dust, but to look at the will of the colonists and to abide by it if he thought it expressed by the decision of the Legislature; but if, on the other hand, he should feel satisfied that the Legislature had been induced, either by the right hon. Member for Droitwich, or by other circumstances, to come to a decision disapproved by the majority of the colonists, then he ought not to allow himself to be led away by such a decision. These Colonies, under the inducements held out to them by the right hon. Member for Droitwich, and not availing themselves of the power given in the Act of 1850, had sent to this country long Acts, in which they had given to themselves powers hitherto not possessed by them; had dealt with the most difficult questions of the Royal prerogative and the relations of the Colonies to the mother country; had given full retiring salaries to public officers, who, in pursuance of the wish expressed by the right hon. Member for Droitwich, had voted for a nominated Upper House; and had also given pledges and guarantees to persons having very dubious titles to vast quantities of the public land. The House would not, if the request of the Legislatures were complied with, have to go through these Bills clause by clause, but would, by a short Bill, have to confirm them; therefore, the moderate request which would be made to the House would amount to this—it would, because the Colonial Legislature had, in excess of its powers, passed a Bill of enormous length and perplexity, be asked to renounce its right of dealing with the many subjects it contained, and to give validity to them all in a lump. He earnestly, therefore, entreated the Government and the House not to be persuaded by the clamour or declamation of any persons who might be sent by the Colonies to so far forget their duty and dignity as to delegate to others their powers and responsibilities by consenting to pass in a lump seventy or eighty clauses of these Acts, merely because they had been passed by the Colonial Legislature. The right hon. Member for Droitwich talked of contracts between this Government and the Colonies. He begged that his (Mr. Lowe's) experience in these matters might have some weight, and entreated the right hon. Gentleman to avoid all contracts between the Imperial Government and the Colonies. If he thought that there were matters over which the Colony ought to have authority let him concede them—if it were deemed advisable, as he (Mr. Lowe) thought it was, that the colonies should have dominion over the waste lands, let it be given them; but it should not be given as conditional on what the Colonies should do. The right hon. Member should avoid making this House a party to maintaining the Legislature against the opinion of the majority of the Colonists, and still less should he involve it in giving pledges of retiring salaries or guarantees of permanent possession to persons holding in some cases 1,000,000 acres of land a-piece. He could assure the House that, unless it acted with the greatest circumspection in this matter, unless it fully asserted its own dignity, unless it avoided involving itself in any guarantees, and unless it kept clear of interference with the Colonies, it would be sowing the seeds of endless confusion, bickering, and disturbance, which would drive them ultimately to draw the sword against their fellow-subjects, or oblige them altogether to surrender their Australian Colonies.

Sir JOHN PAKINGTON said, he hoped he might be allowed to express his regret, that the hon. Gentleman did not hear more distinctly what he had said upon this subject. The hon. Member had entirely misunderstood not only his intentions, but the expressions which he had written. When the proper time arrived, he hoped he would be able to give a clear version of his acts as Colonial Minister, which could not under any circumstances warrant the construction put upon them by the hon. Member.

Mr. JOHN MACGREGOR said, he very much objected to the interests of the Colonies being neglected to suit the convenience of any Government. He believed the negotiations at Vienna would be so long, so tedious, so uncertain and contradictory, from day to day, that the most extraordinary difficulties would attend the conferences. That was well understood in France, where the Government did not entertain the opinion that they would lead to a speedy peace. Under these circumstances, the absence of the Colonial Secretary at Vienna showed either that there was a great dearth of men in the party with which the noble Lord (Viscount Palmerston) was connected, and from which he had formed his Government, or that there was a determination that the great offices of State should be filled by no other persons than those who had occupied them for the last twenty or twenty-five years. He must deny that it was impossible for the colonial Governments, as they were now constituted, to fulfil the duties expected of them by the colonists, and furthermore he apprehended that the present state of things was attended with considerable embarrassment and peril. His experience of the Canadians induced him to believe that they would be ready to conclude that they were now treated with the same contumely and insult which had led to the separation of the old American colonies. No motives of convenience and no Cabinet arrangements could justify any such neglect of the colonies as was evinced by the present arrangements of the Administration.

MR. J. G. PHILLIMORE said, he held that the present was an anomalous and extraordinary situation, resulting from the peculiar exigencies of a crisis almost unprecedented, but he thought the experience of the noble Lord the Member for London peculiarly qualified him for the management of our colonial empire. He hoped that an idea so mischievous as that of a return to the former system of transportation would never find a place in the breast of any English statesman. That system offered a premium on crime in this country, whilst it was odious and despicable to the colonists. He was afraid the noble Lord would find that the ticket-of-leave system could not be persevered in; and if it were, it would produce a complete change in the manners and customs of this country and the rules of its Government.

PUBLIC SCHOOLS—ETON.

MR. EWART said, he would only for a very short time detain the House, if they would allow him an opportunity of doing justice to one of the greatest institutions of this country, by making a statement not without its interest to the country in general. The other night the state of our public schools was under consideration. It was felt at the most extensive of those schools, Eton, that justice had not been done to amendments which had been there accomplished, and, therefore, he now felt it due to that ancient foundation, where he had the happiness and honour to have been educated, briefly to recapitulate those amendments which had been made. The classics alone were formerly taught there. There were now added seven mathematical masters, forming a part of the regular system of the school. Facilities were given for military students by instruction in fortification. Ancient and modern history formed a part of the terminal examinations, as well as of periodical compositions. Modern languages (though they did not form a part of the system of education) were encouraged as objects of study, by frequent prizes. The scholars who went from Eton to King's College, Cambridge, underwent a thorough previous examination; the elections were entirely free; and an extensive library, containing 7,000 volumes, had been opened for the self-instruction of the school. He (Mr. Ewart), as an old Etonian, felt gratified at these unquestionable improvements. He only hoped they would be carried further, and he thanked the House for giving him an opportunity of doing justice to the efforts of an ancient foundation to which he was attached by deep and undiminished feelings of reverence and affection.

The House then resolved itself into a Committee of Supply.

SUPPLY—COMMISSARIAT ESTIMATES.

(1) 2,351,199*l.*, Commissariat.

MR. FREDERICK PEEL said, that in moving the estimate for the Commissariat Service for the year 1855–56 it would not be necessary for him to detain the Committee for more than a few moments, but some explanation would be expected from him with regard to these Estimates, because the total amount of this Vote, although inconsiderable as compared with the large sums which had recently been under the consideration of the Committee, showed a large increase upon the sum voted the preceding year. The amount voted for Commissariat service last year was 600,000*l.*; the Committee would now be asked to vote four times that amount, 2,400,000*l.* The fact was that the sum of 600,000*l.* represented merely the Commissariat charge for that portion of our army which was in the Colonies, and that item was very much the same as last year. There had been a slight reduction in the establishment of officers in the colonies, but this was more than counterbalanced by the increased price of provisions for the supply of the troops there. In some colonies, as New Zealand, this increased cost had led to the necessity of discontinuing the stoppages in aid, made from the pay of the troops. A similar sum of 600,000*l.* was required for the Commissariat service of our army at home. At this time last year those troops were fed in a different manner to that in which they were now supplied. The soldiers in the United Kingdom formerly paid for their own provisions, provided these provisions did not exceed 6*d.* the ration a-day; but where a ration cost the soldier more than 4½*d.*, it left him an amount of pay insufficient to enable him to buy his breakfast and evening meal, and an arrangement was consequently made, by which the Government fixed the stoppage to be taken from the pay of the soldier at 4½*d.* So long as the soldier was liable to pay 6*d.* for his ration, the Government had no particular interest to enter into contracts for him; but, as soon as the stoppage from his pay was fixed at 4½*d.*, it became the duty of the Government to attend to the supply, and to see that fair market prices were charged for the meat; and as the Commissariat Department superintended that business for the Colonies, it was thought proper that the same department should be intrusted with this duty at home. The duty of feeding the troops in the United Kingdom, therefore, now devolved upon the Commissariat. The number of the regular army in this country was 40,000, and of the Militia 65,000, and the cost of provisions for them was about 500,000*l.* The remainder of the Vote, 1,200,000*l.*, represented the cost for the army in the Crimea. The whole sum of 2,400,000*l.* was divided into several parts, the first of which was the cost of the Commissariat division of the War Department, and the pay of the officers and clerks of the Commissariat, as well as of the persons employed under them in the different colonies, and, in short, wherever we had troops to be fed. The officers of the Commissariat branch of the War Department were few in number, and, considering that it had had an accession to its business by having charge of the feeding of the troops in the United Kingdom, and also by having had heavy duties thrown upon it connected with the army in the East, this division of the office was by no means in excess. With regard to the Commissariat officers and clerks abroad, the items in Votes 1 and 2, described as arising at the seat of war, alone required notice. The total increase in the two Votes for pay of Commissariat officers, clerks, and persons under them, was 109,000*l.*, of which 91,000*l.* was due for the expenses of those officers employed at the seat of war. There were 101 Commissariat officers in the Crimea, with 225 storekeepers and other subordinates connected with them, making a total of 326 persons employed out there by the Commissariat branch. No class of public functionaries were better paid than the Commissariat officers; but they were required to be very trustworthy persons, a large discretion being unavoidably reposed in them connected with the disbursement of the public money. Vote 4 was for the transport service. The transport service to be performed by the Commissariat in the colonies would be the same for the coming year as it was for the last; but a very large sum—238,250*l.*—was taken in the present Estimates for the transport service at the seat of war. This service having broken down last winter while in the hands of the Commissariat, a corps had recently been organised for the express purpose of undertaking the duty. Colonel M'Murdo, the head of the corps, had left England, and every effort was being made to purchase draught animals for his service in different parts of the Mediterranean, as well as to send out as quickly as possible the persons who were hired in this country to be formed into this transport corps. A large sum was, nevertheless, taken in addition for the transport service to be performed by the Commissariat, the reason being that the item was introduced prior to the decision being arrived at for forming a special corps to discharge this duty. No doubt a considerable portion of the sum would be saved; but it could not be omitted from the Estimates altogether, because the Commissariat would still have business to transact connected with the inland transport at Constantinople, Smyrna, and different ports of the Black Sea. Moreover, the persons employed in constructing the railway from Balaklava to the camp would be paid out of this Vote. The establishment at work upon the railroad, at the rates of pay now allowed to the men, would cost about 50,000*l.* for the whole year; and, although the special duty for which they left this country might be completed in much less time than he had named, it was still possible that the services of the engineers and labourers might afterwards be found useful in other quarters. The head of the Commissariat in the Crimea wished a waggon-train to be raised from Ireland before he was aware of the intention to form a special transport corps, and a considerable number of persons had left this country who, until they were handed over to Colonel M'Murdo to act under his orders, would also have their pay defrayed from this Vote. Vote 5, included 23,000*l.* for losses by negotiation of bills in connection with the Commissariat Department, 20,000*l.* representing the loss on Commissariat transactions at Hong Kong. This large loss was occasioned chiefly by the difference in exchangeable value between the dollar and the rupee, but gains were constantly accruing from the same cause, which were regularly paid into the Exchequer. The only coin current at Hong Kong, for instance, was the dollar, and when bills were drawn there they were cashed in rupees, the value of which when paid to the soldier was only 1*s.* 10*d.* each, whereas the charge to the Government under arrangement with the East Inda Company was 2*s.*, causing a loss of 2*d.* per rupee. This was entirely a profit and loss transaction, and the present vote was taken for the losses incurred during a period of several years. Vote 6 included the cost of provisioning the troops in the United Kingdom and at the seat of war. The Government had estimated the cost of provisioning about 40,000 regular soldiers at home, and 65,000 militia, and had stated the sum requisite for that purpose in the different columns of the Estimates. With regard to the troops at the seat of war, a great addition had been made in the rations issued to them. The regulated ration had only been 1lb. of meat and 1lb. of biscuit per day, but the present daily ration issued to the soldier, and issued, he believed, with great regularity—the great defect having existed in the conveyance between the store and the camp—was 1lb. of salt meat, or 1¼lb. of fresh meat, 1⅓lb. of biscuits, 1oz. of coffee, 1¾oz. of sugar, 2oz. of rice, and 1-32nd part of a gallon of rum. The next Vote amounted to 20,000*l.* The collection of large bodies of the militia in particular localities, where they would have to be provisioned, would enhance the prices of articles of consumption in the surrounding neighbourhoods; and but for this Vote, which was intended to compensate the contractors for the loss they might thus sustain, the contracts for supplying the men with food could not be fulfilled. The remaing Votes were for the non-effective service—34,000*l.*—and included half-pay of Commissariat officers, pensions to their widows, and compassionate allowances.

Sir FRANCIS BARING said, he thought that, as the present was the first occasion on which these Estimates had been framed under the new arrangement, that was the best opportunity for making any observations on the transfer of the Commissariat business to the department of the Secretary of State for War. The business hitherto carried on by the Commissariat and the Treasury was of two kinds—one really military and the other purely banking and financial. No doubt every item of expenditure which was strictly military ought to be under the superintendence of the Minister of War, but he was afraid that the effect of the minute by which the Commissariat had been transferred from the Treasury to the War Department, would be to place the banking and strictly financial business of the Commissariat in the hands of the Secretary for War. It would be a great misfortune at the present moment to give that Minister any single thing to do which could be done equally well by somebody else, and which there was no inherent necessity for him to do; and, moreover, there was no particular reason why that functionary should be a good judge of such matters as banking and finance. In the Colonies, too, the Commissariat had much business to transact—such, for instance, as conducting the expenditure necessary for the convict establishments—which had no reference whatever to military matters, but which, under the new arrangement, would have to pass through the hands of the War Minister instead of being referred directly to the Treasury. He was afraid, therefore, that if this minute was carried into operation as it at present stood, the effect would be to introduce great confusion into the public accounts. It must be remembered that since the war great alterations had been made in the mode of keeping the Commissariat accounts in the Paymaster General's Office and also in the Audit Office, and he very much doubted whether the arrangements for checking the public accounts in time of peace would be sufficient for the large expenditure required in a time of war. Great difficulties and confusion would arise, and Parliament would cease to have that control over the expenditure which it at present possessed. He would suggest, therefore, that a Commission should be appointed to consider whether some arrangement could not be devised by which, while the whole of the military expenditure was transferred to the War Department, the Treasury might still retain a superintendence over the civil part of the Commissariat accounts. The thing was done very well at the Admiralty, and might be done at the War Department with proper care.

MR. W. WILLIAMS said, that this Estimate would bring the amount of the Votes for military purposes during the ensuing year up to very nearly 40,000,000*l.* He was very sorry he had not urged the propriety of referring the Estimates to a Select Committee, though of course it was now too late to make such a Motion. As the case stood, they were voting immense sums for the Army, Navy, and Ordnance Estimates, entirely in the dark, without any means of judging whether these demands were really necessary or not. He did not altogether differ from some of the conclusions of the right hon. Baronet who had just spoken, but he must say he thought it would be much better to consolidate military offices of different kinds under one guidance than to keep them apart, for then there would be no means of combining operations or of checking expenditure. Of course the Secretary for War would have a financial department under him; but he would be the sole person responsible to Parliament, and that was what they wanted. He was surprised to see 280,000*l.* for transport service in the present Estimate, after having voted between 5,000,000*l.* and 6,000,000*l.* before for that purpose. Facts of the most astounding character had come to light in the evidence already given before the Sebastopol Committee. From the statements of the witnesses, it appeared that Captain Christie, the captain of the port, had kept one of the largest steamers employed in the transport service in port for four months, merely to act as a lodging for himself.

MR. STAFFORD said, he must object to reference being made in debate to the proceedings of a Select Committee whilst still sitting.

MR. CHAIRMAN said, the hon. Member for Lambeth was not in order.

MR. WILLIAMS said, he would bow to the decision of the Chair, but he wished to know why the price of rations had been reduced from 6*d.* to 4½*d.* per diem? He presumed it must be to benefit the soldier. He did not think that the hon. Gentleman the Under Secretary for the War Department had satisfactorily explained why so large a sum of money was taken for transports when they had already voted so large an amount for the establishment of the land transport corps. In conclusion, he must complain of the want of such information as would enable the Committee to form a satisfactory judgment with respect to the propriety of the various items included in the Estimates. No efficient check would ever be placed upon our expenditure until the various Estimates were submitted to Select Committees. He believed that much unnecessary expenditure had been incurred for want of such a check.

MR. WILSON said, the right hon. Baronet (Sir F. Baring) had referred to the transfer of the Commissariat from the Treasury to the War Department. The right hon. Baronet must be well aware that the duties of the Commissariat officers were of a very varied character and connected with all departments of the Government; they had to perform duties for the military, the naval, and the civil departments. Their duties were both financial and administrative, and they combined the functions of bankers and merchants. Their accounts came home to the Audit Office; they were there adjusted, and the various items placed to the charge of the different departments. There was a large independent fund, under the control of the Commissariat, called the Commissariat Chest Fund, amounting to 1,200,000*l.*, by means of which all their operations were carried on. An annual account of the fund was laid before Parliament, and it was the duty of the Treasury to see that it suffered no increase or diminution. The management of that fund would still be kept in the hands of the Treasury, but each department would be responsible for the expenditure of the sums voted for their several purposes; that was the only arrangement that could be made.

LORD SEYMOUR said, that the object of the Government should be to consolidate under one head all the departments which were military ones; but not to load the purely military departments with matters which did not properly belong to them. That, he apprehended, was his right hon. Friend's (Sir F. Baring's) view of the subject. Now, he did not think that this object had been satisfactorily attained by the arrangement which had been adopted by the Government. He feared that the Treasury would not, under the present system, retain the proper control which they should have over the large fund referred to by the hon. Gentleman the Secretary for the Treasury, while, on the other hand, embarrassing duties would be thrown upon the War Department. If any confusion should arise from these arrangements, he must protest against that House being in any degree made liable for it. The Treasury had taken six months to effect the separation of the various departments, and he (Lord Seymour) must confess that their proceedings in this particular case were not very satisfactory. The arrangement which had been effected tended rather to increase than diminish any difficulty which had formerly existed. Complaints had been made upon every side of the working of the Commissariat Department; and yet, notwithstanding those complaints, that was the department which hon. Members were desirous of seeing copied in the administration of the army. There was no promotion by purchase or by seniority in the Commissariat; but a man entered the service after undergoing an examination, and then underwent one or two years' probationary service. Promotion was given, not by seniority, but by merit, and therefore the Commissariat met in every respect the requirements of hon. Members; but, notwithstanding all these advantages, the Commissariat Department had failed more than any other. He observed in the Vote a sum of 282,000*l.* for the land and inland water transport service; and it appeared that in that Estimate was included the sum required for the railway at Balaklava. He regretted that the expenditure connected with the railway had been given in a separate item. Another point to which he wished to call the attention of the Government was, as to the necessity for securing to the troops a more frequent and constant supply of fresh meat, or, at all events, giving them vegetables when it was unavoidable that they should have salt meat. This was a very important matter in connection with the health of the troops.

SIR HENRY WILLOUGHBY said, he observed that 600,000*l.* and odd was taken for the Commissariat expenses last year, while for the present year 2,393,000*l.* was demanded, and he wished to know whether the sum of 600,000*l.* and odd paid the whole expense last year, or whether there was then an excess of expenditure, for defraying which money was to be applied from the Vote of the present year? When the present Votes were passed the House would have voted about 39,000,000*l.* for war purposes, and some explanation ought to be given of the mode in which it was proposed to provide for the proper distribution of such vast sums. He also thought that the Under Secretary for War should explain the way in which the vast masses of provisions had gone, or were intended to go to their destination. There was a conviction on the public mind that a number of conflicting authorities were engaged when a ship was to be sent off with Commissariat stores. Was it true that under the old system the ammunition was put on board by the Ordnance Department, the drugs by the Medical Department, and the eatables and drinkables by the Treasury? Could the Under Secretary for War make it clear to the Committee that a shipload of provisions would arrive at its destination in proper order? The Government had sent out 21,000 tons of provisions and no end of fuel, and yet the soldiers had been forced to eat their rations raw—the fact being that those vast stores had never been properly distributed. The hon. Gentleman ought at least to show that something had been done to prevent a recurrence of those terrific blunders. When the goods were put on board the transports, some one ought to be put with them to be responsible for their safe delivery. As it was it appeared to him to be a mere chance if the stores ever reached their destination. All those circumstances to which he had adverted seemed to point to a want of arrangement in detail.

MR. FREDERICK PEEL said, that the difficulties which had arisen in connection with the transport of provisions and stores to the East were not so much in the part of the journey by sea as in that from Balaklava to the camp. The transport by sea was under the superintendence of the Admiralty, who had just established a Transport Board for the management of this service, and for facilitating its satisfactory conduct. He thought that a great deal of the confusion complained of in the loading, despatch, and unloading of the sea transports had arisen from their cargoes being contributed by various branches of the Government. Matters would be very much simplified by the loading of each ship being exclusively under one department, and that, too, the one which furnished its whole cargo.

Mr. WILSON said, that, with reference to the observations of the hon. Member for Evesham (Sir H. Willoughby), the expenses of the Commissariat for the year 1854-5 would not be completely defrayed by the Vote of 650,000*l.* taken last year. The extra expenditure would come out of the vote of credit of 3,000,000*l.* voted by the House last year; an account of which would, in due time, be laid before the House. The experience which had been obtained by the Government in the course of the last campaign had enabled the Government to frame an Estimate which they expected would cover the whole Commissariat expenditure for the present year. The Treasury would still retain the same check which they possessed before over the Commissariat expenditure.

Mr. LAING said, he objected to the unsatisfactory form of the accounts; some sort of detail should be given. He found one vote of over 1,500,000*l.* for provisions, forage, fuel, and light. The number of men to be provisioned for that, in each locality, should be stated. If such a statement was given every year they would be able to compare the cost per man at any station with the corresponding localities, and with the cost at the same place in previous years. They would thus have the best possible check on the expenditure. The cost of the principal items in each locality, as beef, bread, &c., ought also to be stated. He wished likewise to call the attention of the Government to the important question of provisioning the troops by contract; in all cases where large numbers of men were collected together in private enterprises, it was found most advisable to contract for the supply of their provisions. All large shipowners now contracted for the supplying of their crews, and the same system was adopted in emigrant ships. Several most respectable firms were engaged in the trade, and if the Government had placed the supply of the troops in their hands, he would venture to assert there would have been no deficiency of fresh meat in the Crimea. One of the firms he referred to had a large establishment at Galatz, for the purpose of purchasing cattle in the Danubian Principalities, and could easily have supplied the army. He thought this matter deserved the most careful consideration, and he would suggest that after the Estimates were passed, it should be referred to a Committee of business men upstairs to determine how far the contract system could be adopted. He had no doubt it would be found to work well and economically. With regard to the rations, he thought that too much salt meat was issued; if a remedy was not applied the most fatal consequences would result in the hot weather. He would suggest that tea should be served out instead of coffee; the latter, being a stimulant, was not suited for localities where diarrhœa and dysentery prevailed. He would also suggest that as large a quantity of vegetables as possible should be sent out. A mode had lately been adopted of compressing them, which rendered their transport very easy. The neighbouring countries could also furnish a large supply of oranges and other fruits, which would be very useful for the troops.

Mr. BAILLIE said, he wished to know whether any explanation had been given to the House why the army had for so long a time been rationed almost exclusively on salt meat? Any amount of fresh provisions might have readily, with the means of transport which we possessed, been obtained from Sinope, Asia Minor, and other ports.

Mr. WILSON said, that ample arrangements were made for a supply of fresh provisions from the coast of Asia Minor, and why it should have failed so much of late he was unable to state; but he saw from accounts in the public papers that the difficulty of transport was very great, and the difficulty of feeding cattle far greater. It also appeared that great numbers of the cattle had died. With regard to the contract system there could be but one opinion, that in every possible shape and form in which that system could be brought to bear it should be adopted. Competition by open contracts was supported by all their experience, whether the end to be attained was economy or efficiency. He admitted the principle most fully, and as far as it could be carried out it had been carried out. At the Commissariat stations throughout the world, nothing was purchased by private contract or bargain, but everything by public contract; and so rigid were the rules of the service, that when the accounts were sent in to the Audit Board they had to be accompanied by the advertisements in the newspapers to show that the transactions were made public, and also the tenders themselves, to prove that the lowest tender had been accepted. How the principle could be extended further by rationing the army at so much per head he was not prepared to say; that was a most important point, and it was one well worthy the consideration of the Government.

Mr. PEACOCKE said, he wished to know what was the precise position of the Treasury clerks who had been attached to the Commissariat Department in the East, and whether they were to form a permanent portion of the latter branch of the public service? There was another point to which he was anxious to advert for a moment. They had been told that the troops were to be supplied with fresh meat only once or twice a week. Now, he was sure that the country would receive that intelligence with regret. He had been informed that fresh preserved meat could be supplied to any amount at a cost of not more than from 2*d.* to 3*d.* per lb. beyond that of salt meat, and he had no doubt but that the public would readily submit to that increased charge. With respect to the remarks which had been made regarding coffee, he believed every medical man was of opinion that the very best species of food that could be given to men threatened with scurvy was cocoa.

Mr. WILSON said, that in consequence of the pressure of business, it had been found necessary to employ a number of Treasury clerks temporarily in the Commissariat Department, but it was intended that the Commissariat service should be entirely distinct from the Treasury. One gentleman connected with the Treasury, Mr. Blackwood, who had been selected to proceed to the Crimea in the Commissariat Department, had discharged his duties in a manner which had elicited high encomiums from those who were acquainted with his arrangements.

Colonel DUNNE said, he believed the army would gain a great deal by the transfer of the Commissariat from the Treasury to the Minister of War. Last year when the expedition to the East had been undertaken he had been led to apprehend that the business of the Commissariat would be greatly mismanaged, from the fact that it was to be intrusted to the same gentleman, Sir Charles Trevelyan, to whom had been committed the duty of presiding over the supply of provisions in Ireland during the recent famine in that country, and that apprehension had since been completely realised. He found that the same reckless waste of money, the same outrageous audacity, which had marked the administration of the funds appropriated to the relief of Irish distress, and the same wretched confusion, had prevailed in the two cases, and the consequence had been the destruction in Ireland of 2,000,000 of the population, and in the East the destruction of our army. There was no soldier who would not congratulate himself on his escape from that baneful influence. The hon. Gentleman the Under Secretary for War had spoken of the space between Balaklava and Sebastopol as if it had been the source of all the failure of our Commissariat system in the East; but it should be remembered that at Varna, where there had been no such obstacle to be overcome, great deficiencies in the provisioning of the army had likewise been experienced. He had heard an anecdote which would afford a curious illustration of the mode in which the business of the expedition was managed. In the *Jason*, on its departure from Balaklava, there had been a number of sick on board, but there had been no medicine for them and no dietary; and yet a friend of his in the ship at the time had observed that the doctor appeared to keep as regular accounts as he would have done in the best supplied hospital on shore. On his questioning that gentleman as to the real nature of the unnecessary labour which he thus seemed to assume, he had been told by him that "he prescribed every day the articles which he would give if he had been supplied with them, and he also prescribed the dietary he should order if it could be obtained." The articles, however, had no actual existence, and yet the entries of the doctor would, perhaps, be produced on some future occasion in proof of the ample amount of medicine and comforts with which his patients had been supplied. Among the Estimates he found a sum of 238,000*l.* for the inland transport service, and he wished to know what was the nature of the charge which that sum was to defray? It could not be the cost merely of constructing the railway, for he took it for granted that that cost could not amount to more than 100,000*l.*, if it should even reach so high a sum. There was another Vote of 743,000*l.* for the rations of the troops, from which there was to be a deduction of 209,000*l.*, which he supposed would be charged to the soldiers. He was anxious to know how much of that deduction was to fall on the troops in the Crimea, and whether any portion of it would be imposed for the unroasted and unground coffee with which they had been supplied. He should also be glad to know whether the soldiers would have to pay the cost of the transport of the articles which had been forwarded to them from different parts of the country; and he was further desirous of being informed whether the hospital stoppages would be made in the case of men suffering from disease in the same way as in the case of men suffering from wounds. The Government were at present establishing a land transport corps; he rejoiced at that circumstance, and he believed that that step should have been taken when they had first entered on the expedition. They had an example which ought to have guided them in that matter. In the year 1826, when the expedition to Portugal had been undertaken by Mr. Canning, a transport service had been organised for its use by the Duke of Wellington, and between 5,000 and 6,000 men had been employed in that service. That valuable precedent, however, had, unhappily, been disregarded last year.

LORD SEYMOUR said, he considered the observations of the Secretary to the Treasury required explanation. He understood the hon. Gentleman to say that the contract system was to be universally applied, even to the army in the East. The system might do very well in this country, with its large mercantile population, but would fail if they attempted to make contracts at Varna, at Constantinople, or in Asia Minor. The Armenian or Jew who took the contract might disappear, and there would be no possibility of enforcing the penalty. He thought a good deal of the misfortunes which had occurred during the last six months might be traced to the contract system, and he wished to know whether in the purchases made in the East, the Commissariat had been required by the Treasury up to December last to proceed upon that system?

MR. J. L. RICARDO said, he doubted very much whether the system of contract, as the Secretary to the Treasury termed it, or the system of tender, as he termed it, was the best, even in this country. Large companies usually added a very important proviso to their advertisements—that the lowest tender would not be accepted. That was not the custom in the case of the Government, and they had seen many contracts, such as the contracts for the clothing of the army and for the provisions of the navy, carried out in the worst possible manner. He believed the most respectable houses would not tender for contracts with the Government, because they would not compete with men who were willing to name the very lowest price, with the intention of furnishing a very inferior article. The hon. Member for Wick (Mr. Laing) suggested sending out tea to the troops, and he thought the worst thing the Government could do, if they adopted that suggestion, would be to ask for tenders, which would have the effect of immediately running up the price. They had much better go to such a house as Travers's, and say they wanted so many thousand pounds of tea at a certain price. He believed a firm of that standing would undertake to furnish what was wanted to those who wanted it, and they might be sure to have the very best article. If the Government had made a contract with a respectable house they would not have had the soles of the boots coming off in the trenches in the manner which had been so often described. Another advantage was, that if the Government dealt with proper parties there would be no necessity for examination of the goods furnished, or for another contract to convey them to the place where they were wanted. He hoped the Treasury would not be misled by the traditions of times when great peculations prevailed, not only among contractors, but among high officials. That could not possibly happen now, and therefore it was worth while to consider whether they could not adopt a better system than that of tender.

MR. WILSON said, his observations had no reference to the army in the East, and hon. Members would at once see the great difference between an army in the field and forty or fifty commissariat stations all over the world, where the number of troops was stated and stationary, and the contractors were amenable to the laws of the colony. His observations referred only to those establishments, and he did not mean to imply that the army in the East was to be fed by contract, because it required little consideration to perceive that such a mode would be most inefficient and unsatisfactory. The hon. Member for Stoke-upon-Trent (Mr. J. L. Ricardo) differed from the noble Lord the Member for Totness (Lord Seymour) because the noble Lord approved the contract system in highly civilised communities; and as the hon. Member for Wick (Mr. Laing) justly observed, they had practical experience of it in the conduct of railway companies, who not only performed their works, but received a large portion of their supplies, by contract. It was very easy to point out blots in any course they might pursue. Every system was in some respects defective; but what would the country think if all these naval and commissariat purchases were managed by public officers dealing with private individuals without the check of publicity? There would be innumerable complaints and suspicions, and, perhaps, sometimes well-grounded suspicions. If there was nothing wrong, it would be impossible to satisfy the public; and, though he admitted the contract system should be conducted with great care, to see that the goods delivered were not of inferior quality, he did not understand how a system of private bargain would prevent improper practices.

VISCOUNT EBRINGTON said, that suspicions, complaints, and fearful results, had already followed the system of accepting the lowest tender. He particularly alluded to the intrenching tools, which, from the time of the Peninsular war until now, were always singularly bad. The same might be said of the shoes and clothing supplied on that principle. We had been too much swayed by a false economy in these matters, forgetting that everything depended on the quality of the articles supplied. This question of supplies was not to be disposed of by a few phrases about contracts or no contracts. He wished to corroborate what had fallen from the hon. Member for Wick with regard to the importance of vegetables in checking scurvy. When he was at the Poor Law Board, during the failure of the potato crops, it was found that farinaceous food, even with fresh meat, without a supply of vegetables, produced scurvy in some of the workhouses, and that was no question of salt meat. So that even if preserved fresh meats were supplied to the troops, care should be taken to keep up the supply of vegetables.

LORD LOVAINE said, he must congratulate the country on the Commissariat service being transferred to the War Department. He considered that the system of appointing the Commissariat from civilians alone was not the best, and he would recommend the plan pursued in the Indian army—namely, that large numbers of the Commissariat officers should be selected from the army itself. He thought the subject worthy the consideration of the Government.

MR. ROCHE said, he must maintain that the system of contract and the acceptance of the lowest tenders was the most advisable, and would be found to answer best, provided there was a proper system of inspection. If any other plan than taking the lowest tenders were to be adopted, it would at once lead to an impression that contracts were only to be obtained from the Government by indirect means and influences, and Members of Parliament would be besieged by persons endeavouring to make them use their political or personal influence to obtain contracts; and the effect would be that all confidence in the Executive would be destroyed.

COLONEL BOLDERO said, the Committee would remember that on a former occasion he asked a question of the Secretary of the Treasury respecting certain cargoes of porter which had been sent from this country, and after having arrived at Constantinople were sent back again in consequence of there being no officer appointed to receive them there. The hon. Gentleman did not at the time answer the question; but on the 26th of last month he took the opportunity of doing so, and stated that in one case a vessel was sent to Malta, but when it arrived the troops had left that place, and that vessel was subsequently sent on to Varna; another vessel had, in the same way, after having been first sent to Constantinople, been sent to Varna, and subsequently to the Crimea; another vessel landed her cargo at Scutari, where it was used; and the fourth of those vessels carried her cargo to Varna, and it was consumed there. The hon. Gentleman also said that there was no foundation for the rumour that any action for non-performance of contract was pending against the Government, although, of course, the claims made by the contractors for the additional length of voyage were under examination. This was the answer of the hon. Gentleman as reported in the *Times* of the 27th of February, and which, he believed, was quite correct. Now, what were the facts? With regard to the first vessel the answer of the hon. Gentleman was correct; but the Government had to pay demurrage to the amount of 1,935*l.* He would pass over the second vessel for the moment. The third vessel was loaded in London in the month of June last, and she was discharged on the 14th of December at Scutari, for which the Government had demurrage to pay. That vessel never went to the Crimea at all. The fourth vessel was discharged at Scutari, for which demurrage was also paid. With regard to the second vessel (the *Jane Cockerell*), which was of 387 tons, and engaged at 25*s.* per month per ton, she left England in March last, and at the beginning of December was still at Constantinople with her cargo on board. He had seen the brokers of these four ships, and had ascertained from them the day on which they started, the day on which they broke bulk, and the day on which they returned. It was obvious, therefore, that the hon. Gentleman had misinformed the House when he said that all the four vessels had broken bulk. On a previous occasion he (Colonel Boldero) also stated that there was a claim made for demurrage which was disputed by the Government. The amount claimed was only small, about 120*l.* or 130*l.* The contractor had had a correspondence with the Treasury for several months, and they refused to pay him. Then, with regard to the supply of porter, none had been sent out to the Crimea since July last, for it appeared in the evidence before the Sebastopol Committee on Friday that the chaplain, who was then examined, never saw any, even in the hospital; and he saw by the evidence of a distinguished officer that the Guards suffered more than any other regiment, because they could not get their usual beverage—porter; the "navvies" had remonstrated from the same cause, and Government, he believed, were now sending out a supply for them. He thought, if it were considered necessary to send a supply to civilians, our fighting men ought not to be neglected. The East India Company's troops had received the most essential benefit from a good supply of porter; it was a national beverage, and, without pretending to a chemical knowledge of its composition, he believed it to be conducive to health. He should, therefore, like to know why the Government had set their face against sending it out? Two other ships had been sent out by philanthropic persons with porter of which nothing had been heard, and he wished to know how it had been disposed of?

Mr. WILSON said, he was sure the hon. and gallant Gentleman did not intentionally wish to misrepresent him. The question he put was, whether any porter had been sent out to Constantinople, and, in consequence of no one being there to receive it, it had been returned; and whether an action had been brought for demurrage in consequence. He (Mr. Wilson) promised to inquire into the matter, and on a subsequent occasion informed the hon. and gallant Gentleman that nothing of the kind had taken place, but at the same time he did say that demurrage had been claimed for detention of ships, or in some instances for prolongation of voyages. He believed some 110*l.* had been claimed. He was not aware what had been done in the matter, but would make inquiries. With regard to one of the ships which the hon. and gallant Gentleman said had gone to the Crimea, he (Mr. Wilson) stated that one had gone to the Belbek to supply porter, but had been ordered back to Scutari; probably that was the one which the hon. and gallant Gentleman thought had gone to Constantinople. He did not believe that any cargo of porter was detained at Constantinople, but he would make inquiries. With regard to the supply of porter to the troops in the Crimea, it must be remembered that porter formed no part of the rations, but had only been sent out and placed at the disposal of the Commissariat to sell to the men at the cheapest possible rate. He admitted that the supply of porter to the East India Company's troops had proved an excellent substitute for spirits; and, having been instrumental in making the change, he was glad to hear that the hon. and gallant Gentleman approved it.

Mr. A. STAFFORD said, that the answer of the Secretary of the Treasury was like all other answers received from that bench. Everything was admitted. Some matters were referred to other departments, and inquiries were to be made with regard to others. In this case the hon. Gentleman admitted that no considerable quantity of porter had gone out, and that there had been a charge for demurrage. He did not consider that any reference to the evidence taken before the Committee upstairs was necessary, for, as the inquiry went on, each day showed a more astounding revelation than the preceding, and proved that the departments were totally incompetent to perform the most ordinary transactions. The noble Lord the Member for Totness (Lord Seymour) said he wished the charge for the railway at Sebastopol to be kept a separate charge, but he despaired of seeing anything kept as a separate charge in the Crimea, for the accounts there were in such a state of confusion that the soldiers who came home invalided were unable to receive the pay that was due to them, so that, if they obtained a furlough, they had no money to pay the expenses of their journeys to see their families unless private charity intervened. This was the third time he had called attention to this hardship, and he should be delighted if the Under Secretary of War were able to contradict it. If this statement could not be contradicted, he would ask the War Office to violate routine a little, and let the poor wounded soldier have so much of his own money as would enable him to visit his family. All eulogies of the valour of the soldier would pass for less than nothing so long as the War Office refused him this reasonable request. He found, too, that the food supplied to the troops on their return home was unequal and of the worst kind. He had known invalids ordered home from the Crimea compelled on their voyage to eat salt pork that was rancid and biscuits swarming with maggots. This was a disgraceful part of a disgraceful system, and he would ask the Under Secretary of War to have it remedied, and see that these brave men were not persecuted by the Commissariat up to the moment of their return to this country. It was desirable, also, that some specific statement of the Government arrangements relative to the hospitals of the East, should be laid before the House. On the bringing up of the Report, he should ask the hon. Gentleman (Mr. Peel) to specify the arrangements for the hospitals at Smyrna, Rhodes, and Abydos. Last November, when he was at Smyrna, he wrote to the War Office to say that the French were establishing an auxiliary hospital there, and suggesting that a similar establishment should be formed for English soldiers. Good official reasons, no doubt, were found for rejecting that proposal, but now that Smyrna became unhealthy the Government had commenced an hospital. The Government had neglected the matter during the months from November to February, and now in March, when the hot weather was about to set in, and all the unhealthiness of the climate was about to develope itself, the Government had determined to open an hospital. He trusted the hon. Gentleman would be prepared to show on what grounds this hospital had been opened at this period of the year, and on what authority it was t obe proved that the atmosphere would not soon become dangerous to health and life.

GENERAL PEEL said, he had not been over-sanguine as to the results of the appointment of the Committee upstairs, but he had hoped that hon. Members would wait until they made their Report. He heard garbled statements of the evidence made day after day to the House. Now, would it not be far better to wait until the Committee had reported the evidence? The Committee were examining with great care into the subject, and he hoped that the House would have confidence in their Committee.

MR. MONCKTON MILNES said, he trusted that no hon. Member would be precluded by the fact that an inquiry was going on before a Committee from stating to the House important and pressing matters which had immediate practical results. The appointment of the Committee would do great harm if it had any such result.

Vote *agreed to;* as was also—

(2) 42,120*l.*, Half Pay, &c.

House resumed.

PRICE'S INDEMNITY BILL.

THE SOLICITOR GENERAL said, he begged to move for leave to bring in a Bill to release William Philip Price, Esq., M.P., from any disability he may have incurred by reason of a contract for sending wooden houses to the army in the Crimea. Persons standing in the position of contractors with the Government were by law disqualified from sitting in that House, or from voting at the election of its Members. In the case of Mr. Price, however, no benefit had resulted from the contract, and it had proceeded entirely on public grounds. There was nothing in his position, therefore, contrary to the spirit of the Act of Parliament.

MR. APSLEY PELLATT said, he wished to know if there was any precedent for the course which the hon. and learned Gentleman proposed to take?

THE SOLICITOR GENERAL said, that there were a great number of cases in which the House had interfered to relieve individuals from disabilities, which were not in reality contrary to the spirit of the law.

Leave *given.*

Bill read 1°.

The House adjourned at Eleven o'clock.

HOUSE OF LORDS,

Tuesday, March 13, 1855.

MINUTES.] PUBLIC BILLS.—1ª Despatch of Business, Court of Chancery.

2ª Marine Mutiny.

Reported—Mutiny; Tea Duties Decline Suspension; Secretaries and Under Secretaries of State (House of Commons).

3ª Exchequer Bills (£17,183,000).

CASE OF MR. CARDEN.

LORD BROUGHAM rose to put a question to his noble Friend opposite, the President of the Council. He said it had been universally stated in the newspapers that a person named Carden, who was tried last year in Ireland for one of the worst cases of abduction, committed under aggravated circumstances, that had ever been brought to trial within his recollection and who, upon being convicted of the offence, was sentenced to two years' imprisonment with hard labour, had, in consequence of certain representations made to the Irish Government as to the state of his health, after remaining six months in gaol, had the sentence commuted, and the remainder of the term of imprisonment dispensed with altogether, upon the condition that he should leave the country, and during the eighteen months, or so much of his sentence as he had not already undergone, remain abroad. This condition, it appeared, was enforced under recognisances so heavy that in the case of any poor man committing a similar offence it would be impossible to find them, so that in such a case the conditions upon which the commutation was allowed would in effect amount to a continued imprisonment during the whole term of the sentence. The question he wished to ask—and he did so without the remotest intention of casting even a shade of suspicion upon the conduct of his noble Friend the Lord Lieutenant, who had commuted the sentence, his hon. and learned Friend the Attorney General for Ireland, who had advised such commutation, or the very respectable medical gentleman who had given the certificate upon which those high authorities had acted—the question he wished to put was whether the facts as stated were correct, and if so, whether the Home Office had been consulted in the matter, and whether Mr. Carden had been released with their concurrence?

EARL GRANVILLE believed the circumstances under which the commutation of the sentence had taken place had been accurately described in the reports to which the noble and learned Lord had alluded. Very strong representations had been made to the Lord Lieutenant in reference to the state of Mr. Carden's health; whereupon a medical gentleman, whose character stood very high in his profession, was sent down to see Mr. Carden, and to report as to what might be the probable effect of further confinement upon his health — whether, in fact, it would be likely to endanger his life. His answer was in the affirmative; and upon that answer the Irish Government decided upon ordering Mr. Carden's release upon the conditions stated by his noble and learned Friend. That decision was come to without any reference to the Home Office here, and he (Earl Granville) was unable to give any further information upon the subject. If, however, further explanation was considered necessary, his noble Friend the late Lord Lieutenant of Ireland would be in his place shortly, and would no doubt be prepared to answer any question that might be put to him.

LORD BROUGHAM had intended to move for the production of the report upon which the Lord Lieutenant had acted; but as the arrival of his noble Friend from Ireland was expected shortly, he would decline making any Motion until he was present.

EXCHEQUER BILLS (17,183,000*l.*) BILL.

Order of the Day for the Third Reading read.

EARL GRANVILLE, in moving that this Bill be read a third time, begged permission to repeat an explanation which he had already given to his noble Friend (Lord Monteagle) in answer to two questions which his noble Friend had put to him with regard to the change in the issue of deficiency bills last year. What he stated in reply to his noble Friend, and which he wished now to repeat in reference to the first question, was, that the law officers of the Crown had been consulted on the subject, and had given an opinion favourable to the course which his right hon. Friend the late Chancellor of the Exchequer adopted. With regard to the second question, he had stated that the correspondence which had passed between the authorities of the Bank of England and Mr. Gladstone was of a private nature. He had since, however, ascertained, that though that was in the main correct, and that the correspondence in question was generally of a private nature, there was one paper which bore something of a public character.

Moved, That the Bill be now read 3ª.

LORD MONTEAGLE: I have to thank the noble Earl (Earl Granville) for the explanation which he has been so obliging as to give, on the subject of the correspondence between the Bank of England and the Chancellor of the Exchequer respecting the issue of deficiency bills, and the legal obligation of making provision for the payment of the dividends due to the public creditor. Now by that explanation it appears that at least one part of the correspondence is in all respects liable to be called for in Parliament. In relation to the entire, I must, however, be permitted to repeat, what I stated on a past occasion, when I formally referred to the subject in this House. Whilst I am not disposed to deny that letters may occasionally pass between the Bank and the Finance Minister which are essentially private, and which cannot, with propriety, be produced, yet on general grounds, where the question brought into discussion is a proposed alteration in the mode of providing for the interest of the debt, or in the mode of dealing with the public revenue, and where the parties to the correspondence are the First Lord of the Treasury and the Chancellor of the Exchequer, on the one hand, and the Governor and Deputy Governor of the Bank, on the other, I can hardly imagine any class of letters more distinctly public and official. Neither can I well imagine any practice more dangerous, or more subversive of that responsibility which a Minister owes to Parliament, than an alteration in the mode of carrying on the public service, which shall attempt to convert what is strictly public into a private communication, by a mere change of the form in which that communication is carried on. With respect to these particular papers, if my noble Friend shall, on reconsideration, assure me that the letters cannot be given without prejudice to the public interests, I must bow to his authority, and rest contented. But if, as I am inclined to believe, it should be found that neither the Bank of England nor the Chancellor of the Exchequer can raise, or persevere in an objection to the production of these papers, I respectfully suggest that the Government itself should lay the whole, or at least some extracts, before this House.

I shall now proceed to a subject of far greater importance, the Bill on the table authorising the issue of 17,183,000*l.* in Exchequer bills. I do so, however, with an apprehension, or, indeed, I might say a conviction, that such subjects rarely excite, or receive, attention in your Lordships' House. Of this an example somewhat striking and memorable has this evening been given, proving but too clearly that financial measures, though affecting large public interests, are at times permitted to slip through this House without notice or observation. Within the last three minutes a Bill which practically imposes 400,000*l.* or 500,000*l.* duties on what is now a necessary of life—I allude to tea—has passed through without either notice or explanation. I allude to the Tea Duties Decline Suspension Bill, on which not one word has been spoken, though both our traders and all consumers must feel its effect. This Bill not only increases our taxation to the extent of nearly 500,000*l.* sterling, by suspending the reduction of the tea duties, but indicates likewise an important deviation from our established free commercial policy. Yet this Bill has never been opened or explained by the mover, nor has it been commented on by one single Member of this House.

I shall not, however, dwell further upon this instance of our carelessness, or indifference, but shall proceed to observe on the Bill which we are now asked to read a third time. This measure has been treated with equal unconcern, though the millions to which it relates might have been expected to excite some degree of attention. From what cause does this proceed? I shall be told very possibly, and not unnaturally either, that what is before us is nothing more than the ordinary Bill for giving authority to exchange the Supply Exchequer bills, of last year, for an equal sum to be now issued in the usual course. Such, I confess, was my own first impression. But, on considering the Bill, with more attention, I soon discovered that such was very far from being the case. The proposed law is very different from the ordinary annual Act. It involves other and much more important, principles; it affects the past and present, and casts light upon the future. It negatives a principle which we were last year urged by the Government to recognise and to adopt. It affirms the very opposite principle which we were then authoritatively commanded to reject. So far from quarrelling with this result, I most willingly accede to it, as being entirely consistent with the argument I last year ventured to urge on your Lordships. But, though I rejoice to find my principle laid down, and acted on, in this Bill, I think it would have been but fair and right that our attention, and that of the other House of Parliament, should have been called to so distinct a change of policy. Such a measure should not have been carried through Parliament without some explanation from the Government to inform the public to which of two opposite systems it was their intention in future to adhere.

The ordinary unfunded debt, as your Lordships can hardly fail to be aware, consists of the Supply Exchequer bills, annually voted, which are renewable twelve months after date, subject to a specified rate of interest occasionally raised or lowered according to such conditions as the Government think it right to impose. So long as the amount of the bills is unchanged, and the rate of interest is not varied, the annual Act of Parliament excites no attention. But the case is different when it is proposed to alter the amount of the capital, or the rate of interest. This is still more true where any proposed change involves a matter of principle. This is done in the Bill now before the House, as I shall undertake to prove. It has been done silently. The fact has hitherto escaped observation.

In order to make my argument intelligible, it becomes necessary that I should refer to the Parliamentary proceedings of the last Session. On the 6th of March, when the first attempt was made to provide funds to meet the expenditure of the war—an attempt which subsequent experience has proved to have been wholly inadequate to the magnitude of the exigency—Parliament agreed to increase the income tax by an addition of one-half of its then existing amount, becoming due in the next six months. This increased income tax was estimated at 3,250,000*l.* But, inasmuch as it was shown that this sum would not come into the Exchequer till towards the close of the year, it was necessary to provide Ways and Means to meet the immediate wants of the State. The proposition made was as follows—

> "I propose that you should agree to double the first half-yearly payment of the income tax, and that you should make provision for the interval which must elapse before the tax can be actually levied, by the issue of Exchequer bills, which issue of Exchequer bills is to be within the amount of 1,750,000*l.*, and which bills, if issued, will be paid off out of the growing produce of the revenue."

Lord Monteagle

It was thus that a temporary advance was to be obtained for the purpose of discounting the future produce of the increased income tax. At the same time a great and most important principle was laid down, in terms the most unqualified. Comparing the principle of raising money by loans, or by increased taxation, it was held that the difference between right and wrong was hardly more clear and distinct than the difference of principle between meeting the exigencies of war by new taxes, or by resorting to our public credit. Parliament was asked, "Is it right that we should ourselves make a resolute endeavour to defray the charges of this coming war, or would it be just, would it be manly, would it be worthy of the wealth and power of England that we should charge these burdens on posterity? There is, both in Parliament, and throughout the country, a strong opinion that, to resort to the money market would be a course not required by our necessities, and therefore not worthy of our adoption." It was also added, "the system of raising the funds necessary for war by loan, is to practise a systematic deception on the people." Yet it was under the circumstances so described, that it was found necessary to raise the sum of 1,750,000*l.* by Exchequer bills, to meet the immediate expenses of the war. But, as I have already shown, this was intended solely as a security for a temporary advance, and was made repayable out of the increased income already voted; the distinction between this temporary accommodation and a more permanent borrowing was laid down in the most distinct terms, and by a statement refuting, by anticipation, any possible charge of inconsistency, in the issue of these bills.

> "The Bills which the Government will be authorised to raise (1,750,000*l.*)," observed the Finance Minister, "are in reality what other Exchequer bills falsely purport to be: they are Supply Exchequer bills. The mass of unfunded debt still passes by the name of Supply bills, though it has ceased to have any reference to Supply at all, and in fact constitutes a debt which is permanent in itself, but the obligation of which is renewable from year to year. When you confer, under the regular sessional Act, authority to raise so many millions by Exchequer bills, you do it with a view of replacing them, when due, by other Exchequer bills. But these are Exchequer bills quite of a different class. These are to be raised simply in anticipation of supplies, for which you will have given authority, and when the supplies come in, these Exchequer bills will be paid off out of these supplies, and no more will be heard of them."

It is thus seen that a line of distinction was carefully drawn between the use of credit for a short period, provided for by securities chargeable on the current income of the country, and payable within a few months, and what was described as the permanent debt, created by Exchequer bills, renewable from year to year. The 1,750,000*l.* was designated as coming within the first definition; the ordinary Supply bills, as belonging specifically to the second class. The engagement made was that the 1,750,000*l.* were to be paid off out of the growing produce of the revenue, and no more heard of them. It was not till after a careful comparison between the amount of ordinary Supply bills outstanding, and the amount of 17,183,000*l.* provided to be renewed under the Bill now before us, that I found, that without notice or explanation the 1,750,000*l.* had been slipped into what was described as the permanent debt, and in place of being paid off, were proposed to be renewed. This was an undeniable departure from the principle laid down in the last Session. It was an abandonment of the engagement of meeting the expenditure by supplies raised within the year. It was the adoption of the opposite principle so unequivocally condemned. Parliament had been appealed to, as I have shown in stringent terms, to adopt the principle of providing our Ways and Means by the year's taxation, yet without one word in justification of the altered resolve, this Bill has added the 1,750,000*l.* to the permanent debt, and totally altered the nature of the short securities which originally had been issued, and the engagement under which they were authorised.

I have already stated that these proceedings will tell on the future, as well as on the past, and the present. Permit me to explain my meaning. This sum of 1,750,000*l.* is not the only debt we have contracted, under circumstances somewhat similar. We must remember the power granted of issuing 6,000,000*l.* of Exchequer bonds, in three series of 2,000,000*l.* each, and which it was expressly stated were to be paid off in the successive years 1857, 1858, and 1859. We have obtained a sum of 5,375,000*l.* by the issue of these bills, and this sum has been applied to the public service. When it is now seen how the sum of 1,750,000*l.* is dealt with, can any very confident expectation be entertained that the Exchequer bonds will not, in like manner, be added to the permanent debt hereafter? If so, what becomes of our boast of meeting the war expenditure out of our current income? Parliament had been assured, most positively, that these bonds were not to form part of the national debt; indeed, doubts were expressed whether they represented a loan at all. At the time this assertion was made, I took the liberty of warning your Lordships against it, as a sophism and a fallacy. I ventured to state, that in adopting the principle of obtaining money by the issue of 6,000,000*l.* of these securities, and at the same time disclaiming the notion that we were contracting a debt, or dealing in a loan, we were taking a course which could not be justified on the principles of common sense. To protest against all borrowing, whilst we were driven to bring in aid of our income above seven millions of borrowed money, was indeed an endeavour to enjoy the pleasures of vice and the honours of virtue. We were either deluded ourselves, or were endeavouring to delude others. But have we succeeded? I anticipated then what has since occurred, that these novel securities would not be absorbed in the ordinary open stock market. I anticipated that they were likely to be taken up by moneys belonging to the sinking fund or the savings banks. I considered that it was hardly justifiable to use those extraordinary resources, in order to give an artificial circulation to securities rejected by the Stock Exchange. I have never stated that those proceedings were contrary to law. Where the circumstances were so exceptional as to justify the step, the course was defensible. But it became so only when the real interests of the public were at stake, and not when taken for the maintenance of an injudicious financial experiment. To what was all this likely to lead? When these Exchequer bonds came to maturity, if not before that time, they would probably be found in the hands of the Commissioners for the National Debt, or for the Savings Banks. Of both these bodies the House is aware that the Chancellor of the Exchequer is the directing member. He will have to decide between going to the House of Commons and recommending a continuance of the income tax, to the repeal of which Parliament is pledged; recommending other new, and, perhaps, unpopular taxes, or funding these very securities and thus converting them into permanent debt. If these alternatives were presented to Parliament, and Parliament were driven to provide for the expenditure of the

Russian war by taxation, or by a funding of securities issued many years before, there would be little doubt that a funding of these bonds would be resorted to, and justified by the precedent of the Bill now before us. I beg to remind your Lordships that I am not so much condemning these possible arrangements as being, in themselves, wrong, as from their being utterly irreconcilable with the declaration that our annual expenditure either had been, or could have been, met by our annual income.

I must further call your Lordships' attention to the peculiar impolicy of disclaiming the use of credit on behalf of a State like England. We are invited to cast aside the weapon in which we are strongest, and to abandon what constitutes our greatest financial superiority. Ours is, as I believe, the wealthiest country in the world. Our commercial spirit, our increasing powers of production, the amount of our capital, and the rapidity of our annual accumulations, place us at the head of all civilised nations, in these respects. But great as is our national wealth, our public credit is immeasurably higher. The fidelity with which we have performed our engagements, our scrupulous maintenance of public faith, give us a much greater relative strength in Europe, than all our capital, and all our trade, and I may even add, than all our industry. Our force may therefore be expressed by our realised wealth, multiplied into our power of credit. Yet it is the latter advantage which we were called upon to condemn, or to cast aside. Far is it from being my meaning, that on all occasions, where our means prove deficient, or our expenditure is excessive, we should be justified in resorting to loans. It would have been absurd, if we had resorted to credit for the erection of this splendid palace in which we meet. I only wish to protest against the doctrine, that in a real national exigency, when the wants of a country greatly exceed its resources, we can afford to undervalue credit. It behoves our Government and the Legislature, at such periods, to consider most carefully the course which it is right to take, free from prejudgment or dogmatism. Where the amount of additional revenue required, demands the imposition of new and oppressive burthens, I respectfully submit, that it may be infinitely wiser, even in relation to the interests of remote posterity, that the money required by the State, or a competent part of it, should be raised by a permanent, or, perhaps, what might be still better, a temporary annuity, rather than to crush the resources of industry by over taxation. If it could be shown that we might succeed in raising, by taxes levied within the year, all that we required, but that in so doing we should press destructively on the springs of industry, and destroy their force and elasticity for a period of ten, fifteen, or twenty years, is it not obviously better, that at least a portion of the money required should be borrowed on loan, and the pressure be lessened and diffused over a longer period, instead of meeting the whole exigency by concentrated and ruinous taxation? Permit me to take an illustration from private life. We are continually, and I believe very justly, congratulated on the rapid progress in our agriculture now developing itself throughout the United Kingdom. Parliament has a right to claim credit for the encouragement it has given to these improvements, by liberal grants, and by provident legislation. But, let me ask, on what principle have we proceeded? We have encouraged the tenant for life to improve his estate, by borrowing money, for the repayment of which the reversioner is also pledged. If the new doctrine were admitted, and the life tenant were never to improve, except out of the current income of the estate, if credit were made to him as a sealed book, the result would be that the most material agricultural improvements would be checked, would be brought to a standstill, or would be very imperfectly executed. Of all the parties interested, the reversioner would be the greatest sufferer by this misapplication of a principle, sound only when confined within reasonable limits. What is true of an individual, is true of the State. If it is just to tax the reversioner of a landed estate for banking out, or diverting a flood that would destroy its fertility, it is also just to cast on our posterity a portion of a national burthen, to be expended in checking the overflow of barbarism, the bursting torrents of an invading army, or any casualty which endangers our liberties and national security.

Will your Lordships indulge me if, on this subject, I refer to the authority of a late eminent statesman and sound philosopher (Leon Faucher), unfortunately lost to his country, and, I may say, to Europe. That eminent man has enriched the literature of France, by three very remarkable Essays published in the *Re-*

vue des deux Mondes, a short time before his decease. They form a valuable practical treatise, on what he describes as *Les Finances de la Guerre.* The first of these Essays is devoted to the Finances of England and of France, the second to the resources of our present formidable enemy, Russia; and the third is a rejoinder by Léon Faucher to a reply published on behalf of the Government of St. Petersburg. The first of these Essays contrasts the opposite principles adopted by England and France in 1854; the French Government having successfully resorted to a loan, whilst our Chancellor of the Exchequer had unequivocally condemned, and declared his solemn resolve to eschew, the practice of borrowing money. I regret to have to substitute for the clear and accurate diction of M. Faucher a loose and improvised paraphrase of my own—

> "The reasoning of Mr. Gladstone," he observes, "supported, as it is, by the double authority of Mr. Mill and of Mr. M'Culloch, is very far from being unanswerable. The British Government undertakes a moral and courageous enterprise in endeavouring to support the war by the means of sacrifices which taxpayers impose upon themselves, avoiding the tempting downward path of loans: it is the duty of Governments to preserve the resources of futurity intact, when they can do so; but we must not exaggerate the consequences of this doctrine, nor exalt it, without having regard to circumstances, into an unbending principle. It is here that a just estimate of facts and of experience casts a light upon political reasoning. At times war has for its object a present advantage, and at times it proposes to secure the greatness or the repose of future generations. In this last case, a loan is just; there would neither be equity nor prudence in meeting the expenditure of the struggle by taxation."

This I consider to be the common-sense view of the case, but it is irreconcilable with the official declarations made in the House of Commons last year. We are also told that the authority of Mr. Pitt is against us; and that, after having adopted the principle of borrowing in the earlier part of his Administration, that Minister had condemned his former conduct on the authority of his later experience. I cannot help thinking that the name of Mr. Pitt is here somewhat inconsiderately and rashly used, and his financial system dealt with and condemned imprudently and unwisely. It is not for me, with my Whig opinions, to defend Mr. Pitt's general policy; but as a finance Minister, more especially in relation to his commercial views, I cannot but recognise in him a mighty genius. His system of loans does not, however, appear to me to be rightly understood, either by Sir Henry Parnell, Mr. M'Culloch, or by those who now condemn it. I confess I differ altogether from the conclusions at which they have arrived, in censuring loans made in a low-priced stock. Where Mr. Pitt's policy was more questionable was, in the preference too generally given by him to permanent, rather than to terminable annuities. He did not see that borrowing on a terminable annuity is the safest, if it be not the only sinking fund, that can be relied on. I doubt whether any one familiar with the history of those times, and who carefully considers the budgets of Mr. Pitt, can justly charge him with an indisposition to propose adequate taxation. But let us turn to the opinions expressed by Mr. Pitt in 1797, on proposing the property tax, at the very period designated as that of his financial penitence and reformation. His declaration was as follows—

> "Whatever objections might have been fairly urged against the funding system in its origin, no man can suppose that after the form and shape which it has given to our financial affairs, after the heavy burthens which it has left behind it, we can now recur to the notion of raising in one year the whole of the supplies which a scale of expense so extensive as ours must require. If such a plan be evidently impracticable, some medium, however, may be found to draw as much advantage from the funding system as it is fit, consistently with a due regard for posterity, to employ, and at the same time to obviate the evils with which its excess would be attended. To guard against the accumulation of the funded debt, and to contribute that share to the support of the struggle in which we are engaged which our ability will permit, without inconvenience to those who are called upon to contribute, appears to me essentially necessary; and the great object of such a practical scheme must be to allot fairly and equally to every class that portion which each ought to bear."

Giving due weight to this authoritative declaration, it is somewhat strange to find Mr. Pitt appealed to, at any period of his life in support of the unqualified condemnation of the loan system, so rashly ventured upon in the last Session.

An equal liberty seems to me to have been taken with the name of John Stuart Mill, and his judgment has been carried far beyond its just meaning. Mr. Mill I consider not only a man of the highest authority, but almost a purist on these points; yet, from the language he has used, it appears that he does not consider the question between loans and taxation to be quite so clear, or so easily disposed of, as was suggested last year. He observes—

> "When Government loans are limited to the overflowing of the national capital, or to those

accumulations which would not take place at all, unless suffered to overflow, they occasion no privation to any one at the time, except by the payment of the interest, and may even be beneficial to the labouring class during the time of their expenditure by employing in the direct purchase of labour, as of soldiers, sailors, &c., funds which might otherwise have quitted the country altogether."

I entreat my noble Friends to consider carefully the words of Mr. Pitt and Mr. Mill, before they again claim them as auxiliaries on their side of the question.

What is now to be considered is, however, not so much the abstract question of science, as the practical resolve required under existing circumstances. The time is approaching when a provision must be made for the present year. We are now engaged in one of the greatest struggles in which this Empire has ever been involved. We are bound carefully to consider, first, the probable amount of our war expenditure—the excess of that expenditure above our existing ways and means. We have next to decide in what manner that deficiency is to be provided for. However inconsistent the present Bill may be with the declarations of the Government in 1854, I hail it as an important indication of an altered policy. I gladly accept it, instead of complaining of the change. I thank those who have sufficient courage to announce the abandonment of a former erroneous decision, and I augur well for the results of an improved policy.

Had there been any disposition to revert to the doctrines laid down last year, and to apply them to the present, I should have trembled for the consequences of so rash an experiment. The necessary Ways and Means could not have been provided by taxation, without inflicting a grievous wrong and injustice on the industrious population of this country. It would also have cramped our resources and lessened the popularity of the war; and in conducting a war its popularity, or in other words a confidence in its justice and its necessity, is an important element towards its success.

It is necessary to ascertain what will be the amount of the provision required for the services of the year. This for the present cannot be stated by a private Member of Parliament like myself who has no means of judging beyond the Estimates already presented. But even those incomplete Estimates lead to formidable results. In 1817 the Finance Committee laid before the House of Commons a model Estimate of the Supply Votes required for a peace establishment. That Estimate scarcely exceeded 17,000,000*l.* The Supply Estimates for 1854 reached 39,000,000*l.* By adding to the Votes already passed for 1855, the further sums which may be required for the disembodied militia, the packet service, the miscellaneous and extraordinary expenditure, I am inclined to assume that the Supply Votes of the present year will amount to upwards of 50,000,000*l.* In this calculation it should be remembered that no provision is included for the interest of the funded and unfunded debt, the civil list, the judicial or diplomatic services, and several other charges on the Consolidated Fund. Therefore, without knowing more than the probable amount of the charge of the year, and knowing only the existing income, it is of the utmost importance that all uncertainty should be removed without delay, and the public speedily informed on what principles it is meant that the Ways and Means should be provided for. The Bill before us is important in this respect, as it must be considered an indication of a policy differing from the principles laid down by the late Chancellor of the Exchequer.

Whatever course may be adopted for the present year, there is one principle which I earnestly hope may be steadily adhered to. Whether we are called on to raise money by increased taxation or by loan, I sincerely hope that we may not be induced to repeal or abandon any part of our existing revenue. That course would be still more unpardonable where no adequate reason can be stated to justify the sacrifice. What I specially allude to is a suggested repeal of the stamp duty on newspapers. I earnestly deprecate such a measure as unwise and uncalled for, even in more favourable times, but without excuse or justification at a moment when we are compelled to submit to increased taxes, or, to a loan. I myself reduced the duty on newspapers from 4*d.* to 1*d.* But the circumstances are very different at the present moment, from what they were in 1836–37. At that time the heavy amount of this duty produced, as all inordinate taxation does, an organised system of smuggling, and the laws were openly set at defiance. The duty was then nearly four times its present rate; and, therefore, the reduction of duty which I then made was politic, and has been most successful. Increased production has gone on from year to year. The number of stamps issued in 1834 was but 32,400,000; in 1851, it reached 104,212,000; and in 1854, 121,621,000. The duty likewise is augmenting annually, amounting in 1854 to 486,665. Now, I confess I feel some curiosity to hear what sufficient reason can be assigned for the abandonment of an improving revenue, which the parties primarily concerned, namely, the proprietors of newspapers, men who bring into their business not only a capital of wealth, but a greater capital of knowledge and intelligence, so far from condemning, or even complaining of, ask Parliament to continue and maintain. We cannot afford to place at risk 400,000*l.* or 500,000*l.* a year of the national income, especially at a moment like the present, when we are compelled to suspend, for a time at least, the reduction of the tea duties, a boon promised to the people of England, and one which the whole body of consumers would have understood and appreciated. If the exigency of the present time is to be successfully met, sacrifices of revenue like this should not be countenanced. I venture to exhort your Lordships to hold by the existing revenue; the present is not the time to lessen our resources. If called upon to do so, let it be from some worthier motive than a desire to acquire a mistaken and ill-merited popularity. If you should entertain any proposal for reducing taxation, let it be in some instances where increased consumption, consequent upon a reduced impost, may make good the first loss.

Above all, I take the liberty of entreating the Government, whatever their line of policy may be, to avow it fearlessly and to abide by it manfully. It will not do any longer to proclaim one principle, and then to act on another. Let them not follow the example of last year's finance. It is not politic to pursue a tortuous policy in what concerns our public credit. If they think it better to raise the money required for the war by annual taxation, let it be recommended by them. Let the measures be proposed to Parliament and fairly argued. If, on the contrary, as I expect, they require a loan, let them go into the money market boldly and openly, and make the best bargain they can. Let them do so simply and on a principle intelligible and avowed, and not be led away by some ingenious but delusive novelty. I need not add that I am ready to support the present Bill, though I could much have wished that the departure from the policy of last year had been more frankly and unhesitatingly avowed in justification of the change.

I have to apologise for the length of time which I have occupied your Lordships. My excuse must be, a deep sense of the importance of the principle which I trace in the present Bill on the conduct of our finances, on the success of the war, as well as on the general interests of the Empire.

Earl GRANVILLE said, he thought it was quite unnecessary for the noble Lord to make any apology for bringing forward a question which was of such great importance, and in respect to which he was from previous experience so competent to instruct the House, but he (Earl Granville) had hardly thought that when he had to ask their Lordships to give their consent to a Bill to enable Government to raise Exchequer Bills to an amount not greater than that which had been issued for the last forty years, it would have been necessary for him to have come prepared to answer these objections on the part of the noble Lord. He was confirmed in this opinion by the noble Lord's having, in his eloquent speech of an hour's length, in reality brought forward no argument against anything contained in the Bill, but had simply confined himself to one of his efforts in that long and continued discussion between himself and a right hon. Gentleman in another place—the late Chancellor of the Exchequer—in which the only fault was, that the interested spectators had to wait so long a time for each reply. He (Earl Granville) had had no idea that it would be necessary for him to come down to the House ready prepared on these points, and, therefore, he had had no opportunity of consulting *Hansard* on the subject. He collected, however, that his noble Friend assumed that the right hon. Gentleman the late Chancellor of the Exchequer had laid it down as an inflexible rule never to have recourse to a loan, and that there was the same difference between taxation and a loan as between right and wrong. Now he (Earl Granville) believed that the principle laid down by his right hon. Friend was sound, and that he saw this evil in having recourse to a loan—an evil which had been forcibly pointed out by a noble Earl (Earl Grey) last night—that it had a tendency to make Government and Parliament more lavish than they otherwise would be in the public expenditure. It was calling upon posterity to pay that which was required for the necessities of the present generation, and it was relieving the people from the moral pressure which should exist to induce them—not to give up just war—but to consider how far they were justified by principles of justice in carrying on war. He believed that all political economists agreed in the general maxim that by these loans trade and labour were injured by the diminished capital available for the accommodation of trade and manufactures; and he could not help thinking that the illustration of the noble Lord was a very strange one, for it appeared to him that there was very little analogy existing between the case of a landowner borrowing money at 3, 4, or 5 per cent for the improvement of his estate, which improvement he hoped would increase at the rate of 9, 10, or 11 per cent, with the country spending money in the most unproductive manner in which it was possible, in a pecuniary point of view, to disburse large sums of money. He believedthat these principles were likewise laid down by his right hon. Friend (Mr. Gladstone), and, if his recollection did not fail, he had listened by the side of the noble Lord to one of the speeches of his right hon. Friend, in which he distinctly guarded himself against the supposition that he would never have recourse to loans or to borrowing money. The question was rather one of time and of degree; and he could not admit the authority of M. Leon Faucher, able as the documents were which the noble Lord had quoted, or that the condition of France was perfectly similar. At the end of the late war France had comparatively no debt, whilst the debt of England was enormous; and, if he was not mistaken, the debt of France had been much increased in time of peace before there was a question about war at all. The noble Lord had stated to the House a practical application of his economical doctrine; but it was impossible for him (Earl Granville) to anticipate what the present Chancellor of the Exchequer might propose to his colleagues, or to say what those colleagues might support, or might think fit to propose to Parliament; and he must decline giving any information with regard to the Newspaper Stamp Bill, to which the noble Lord had referred. All that he would say was this—when the noble Lord talked of disasters for the future with respect to financial difficulties, although he (Earl Granville) did not undervalue in the slightest degree the pecuniary losses which would be entailed by the war, yet, looking at the general state of the country, notwithanding the pressure which he owned did exist at the moment, looking at the present price of the funds, and having confidence in the present Chancellor of the Exchequer, he believed it would be found that the measures which he would propose would not be likely to lead to the disastrous consequences pictured out by the noble Lord. He had nothing further to say, for he certainly was not aware that any objections would be offered to the Bill, since last year or the year before last an amount of Exchequer bills had been granted which was certainly equal to the amount for which Government were now asking.

THE EARL OF DERBY said, he must be permitted to observe that the noble Earl who had just sat down had not given the slightest answer to what had fallen from the noble Lord (Lord Monteagle). His noble Friend had made no attack upon Her Majesty's Government for having now departed from the system which had been laid down last year, neither had he imputed to the late Chancellor of the Exchequer that he had laid down, without qualification or reserve, certain doctrines that, under all circumstances and at all times, the exigencies of the year must be provided for out of the taxation of that year. The charge, if it could be called a charge, was not with respect to the future, but with respect to the past and present, that without any intimation having been given, either in the House of Lords or in the House of Commons, that such a change was contemplated; a change of policy was contemplated or involved in the Bill which was now passing through the House, whereby the declaration of the late Chancellor of the Exchequer was distinctly and positively falsified, inasmuch as that at the time when he professed to be providing for the service of the year out of the revenue of the year, he was at that very time practically adding to the permanent debt of the country. This was the objection of his noble Friend; and all the answer which the noble Earl professed to give was, that he was not prepared at the present time to state what would be the Budget of the present Chancellor of the Exchequer, or in what manner Her Majesty's Government proposed to deal with this part of the question. The noble Earl said, that the amount of Exchequer bills which it was proposed to renew did not very considerably exceed the amount which had been renewed in former years. That, however, had nothing to do with the question. The question was, whether in this Bill they were not confounding two descriptions of Exchequer bills; and, by so confounding them, practically falsifying the declaration of the late Chancellor of the Exchequer made in the course of last year. The ordinary amount of Exchequer bills annually renewed being somewhat about 16,000,000*l.*, the present measure proposed to renew 17,000,000*l.*, whereas it was expressly stated by the Chancellor of the Exchequer, that the excess was required only in anticipation of the revenue, and that when the ordinary Exchequer bills came to be renewed these would not be renewed, but that they would be paid off when the revenue came in and would never be heard of any more. But by the present Bill these bills were now confounded with the ordinary Exchequer bills, and an increase in the whole amount of those Exchequer bills was created without any explanation being given, and without the attention of Parliament being called to it. They were practically negativing the principle of the late Chancellor of the Exchequer. He said, "I propose to raise money, and I intend to provide for the service of this year out of the revenue." But what did he do? He anticipated the revenue, and when the time came to pay off those bills, issued in anticipation of the revenue, they were now asked to renew those bills again, and the consequence was that the permanent debt of the country was increased. With regard to Exchequer bonds, also, it was said no debt would be created. It might just as well be said, that when a young gentleman who had just come of age, and was spending double his income, and raising money by bills, and renewing them as they fell due, he had as much right to put himself forward as a model of prudence and frugality, declare that he did not owe a shilling, but lived within his income. The late Chancellor of the Exchequer did nothing more nor less—he issued bills at a certain number of years' date, and when the time arrived for paying or renewing them, in either case they constituted a practical addition to the debt of the country. The noble Lord, therefore, had justly complained that the Government were increasing the debt, while concealing the fact from the country, and that they were confounding two classes of Exchequer bills, which ought to be kept entirely distinct, for the purpose of making that permanent debt which the late Chancellor of the Exchequer declared to be no debt at all. His noble Friend and the country had a right to ask, whether it was intended to adhere to the principle which had been announced in another place, of defraying the expenses of the war by the taxation of the year, or whether the Government were in this very year to depart from that principle, to incur what they must incur, and revert to that principle to which they must ultimately have recourse; namely, that where there were great national exigencies and enormous expenditure to be incurred for a permanent national object, it was right to take that course which all former Governments had taken, of throwing a portion (he would not say the whole) of that burden upon posterity, instead of taking impracticable measures to provide for that expenditure within the year—dealing with national loans, in the shape of permanent renewals, or something of that description—spreading it over a great number of years, twenty, thirty, or forty years—and thereby not adding to the permanent debt of the country, and overwhelming England with a mass of taxation it would be impossible to pay. The complaint of his noble Friend was, that the Government were departing from the principle they had laid down in Parliament last year, and endeavouring, at the same time, to conceal it; and he called upon them to state openly and broadly, whether they intended to abide by that principle, or frankly and honestly to avow the intention of departing for the future from that which he had himself always considered, under circumstances like the present, to be an absolutely impracticable principle.

THE DUKE OF ARGYLL: My Lords, the noble Earl prefaced his remarks by stating that he felt himself very incompetent to deal with this question. If that be the position of the noble Earl, much more so is it mine on this occasion; for I entered the House without having had any previous knowledge that I should be called upon to address your Lordships, or any previous information on the subject now under consideration. I have only a recollection—a pretty distinct recollection to be sure—of certain discussions which took place last year on this matter, and a recollection of certain speeches made by the late Chancellor of the Exchequer, to which I have referred since this debate began. The noble Earl opposite (the Earl of Derby) says that my noble Friend (Earl Granville) has answered none of the arguments or complaints of the noble Lord behind me. I have listened carefully to the speech of that noble Lord, and I am sure that no other answer is required to those arguments and complaints than a corrected statement of the facts on which the noble Baron founded his arguments. I understand the noble Earl (the Earl of Derby) to say that the Chancellor of the Exchequer had laid down an absolute principle on the subject of providing for the expenses of the war; that he had stated that under no circumstances would he have recourse to a loan; and that he considered the distinction between providing for the war by loan and providing for it by taxation, to be a distinction almost of the nature of that between right and wrong. That must have referred to the general question of supporting this war by loan, as compared with supporting it by taxation. As far as regards the principle of the right hon. Gentleman he was prepared to say that the Government to which he belonged had strictly adhered to it as regarded the financial Budget of last year. They proposed a very large increase of taxation, which was readily accorded by Parliament, and on that taxation we have hitherto been proceeding in meeting the expenses of the war. But, then, as to the question of the Exchequer bills which the right hon. Gentleman asked for in March last, the answer I make to the complaint of the noble Baron is, that he has totally misrepresented—I have no doubt perfectly unconsciously and quite unwittingly—but he has totally misrepresented the language held by my right hon. Friend the Chancellor of the Exchequer on that occasion. The noble Earl opposite says that the mere amount of the Exchequer bills has nothing to do with the question. My noble Friend behind me had informed the House that those bills in 1854 were less by 1,000,000*l.* than they were this year. The noble Baron found in that fact evidence of the tortuous policy pursued by the Government. That was the language used by the noble Baron in speaking of the arrangements of the Government. He said he had found out the evidence of the tortuous policy of the Government, inasmuch as he had discovered that in the previous year there were only 16,000,000*l.* of Exchequer bills, and that this year there was an addition of upwards of 1,000,000*l.* in the sum now asked for. Then, what right had the noble Earl opposite (the Earl of Derby) to say that the mere amount of the Exchequer bills has nothing to do with the question? I think that my noble Friend, if he will refer to the terms in which the Chancellor of the Exchequer proposed this issue of Exchequer bills, will see that he had totally misrepresented Mr. Gladstone's view of the case. This is put in the very speech in which he objects most strongly to the principle of defraying the expenditure of the war by a system of loan. He says—

> "I am therefore perfectly desirous that the Committee should understand, when the authority has been given to raise 1,750,000*l.* by Exchequer bills, that I now ask that as an authority that will only be exercised to such an extent as may be found convenient for the public service. I do not expect that it will be found necessary to exercise that power to the full extent, but probably it may be found necessary to exercise it in part; but, if it should be exercised to the full extent, and if every farthing I ask for authority to issue should be issued in consequence, I wish the Committee to understand that the unfunded debt, after the full exercise of that power will only stand at the point it stood at twelve months ago. At that period the unfunded debt amounted in round numbers to 17,750,000*l.*; at the present moment the unfunded debt amounts in round numbers to 16,000,000*l.*, large purchases of Exchequer bills having been effected from various sources, chiefly by the National Debt Commissioners, during the last year, and 400,000*l.* having been exchanged for permanent Exchequer bonds."—3 *Hansard*, cxxxi. 384-5.]

Mr. Gladstone therefore contemplated as a possible event the issue of the full sum he asked for, whereas it seems to me that the amount of Exchequer Bills Mr. Gladstone asked for has not been issued. The amount now before your your Lordships' House is 17,183,000*l.*, whereas, if the full amount asked for had been issued it would have been 17,750,000*l.*, so that the sum is less by upwards of 500,000*l.* than that which the Chancellor of the Exchequer considered might be the possible issue. But that is really not the question. There was a verbal dispute, carried on in speeches, as to whether comparatively small sums, raised in the meantime under temporary emergency, were of the nature of a loan or not. I always thought that the arguments used on this point were of a somewhat technical nature, and that the country did not attach to the dispute any importance whatever; but it was a dispute carried on between the noble Baron and the Chancellor of the Exchequer in several speeches:

I hope, however, that the dispute will now be brought to an end. The great question is this—did the Government lay down last year any great principle with regard to the expenditure of the war—any principle from which they have departed? I deny that they did so. What Mr. Gladstone said was that it would be wrong to rush into a system of loans at the outset of the war, that it would be unworthy of the dignity of this country and of our great resources, at the outset of the war to resort to a "system of loans;" and he asked Parliament to assent to a very large amount of additional taxation. That taxation was granted, and it seems to me a most trifling dispute whether 1,000,000*l.* or 1,500,000*l.*, which Mr. Gladstone temporarily borrowed, hoping he might afterwards be able to repay it, has since, in consequence of unforeseen events, acquired the character of a loan or not. Even if you proved that it has acquired the character of a loan, and even if you have added to the funded or unfunded debt, there is no ground for charging my right hon. Friend with departing from his principle—which was to raise the expenses of the war in the outset by taxation and not by loan. But I am in no difficulty as to divining the real object of the speeches that have been made in your Lordships' House to-night. These speeches are of an anticipatory character, and have been made with a view to extracting from the Government some declaration of their intentions as to the Budget of the present year. The noble Earl opposite (the Earl of Derby) wished to know whether we are to adhere to, or depart from, the principle laid down last year for the future conduct of the war. My answer is, that there was no abstract principle laid down last year with regard to the future conduct of the war, which was expected to be of invariable application. My right hon. Friend said the contingencies of war might prevent Her Majesty's Government from adhering to any principle in the conduct of it; but even if the noble Earl could establish that that which Mr. Gladstone did not believe would prove to be a loan has nevertheless really proved to be so, that in no respect supports the accusation he has made, that we have covertly departed from any principle we had originally laid down, or have been guilty of any "tortuous policy."

EARL GREY: My Lords, I cannot agree with the noble Duke who has just sat down, that this is a trifling dispute. It seems to me to be one of a very different character. It is a discussion as to whether, in the matter of taxation at the commencement of a war, Her Majesty's Government have dealt with Parliament in a fair and candid manner, and have shown the foresight we have a right to expect from Gentlemen occupying their positions. I am bound to say that I think the explanation just given by the noble Duke, the Lord Privy Seal, fails altogether as a reply to the arguments employed by the noble Baron. The noble Duke states, that Mr. Gladstone in his speech last year expressed a hope that he should not be forced to issue those Exchequer bills at all. No doubt he did; but that is perfectly consistent with another part of the same speech, quoted by my noble Friend, in which he distinctly assured Parliament, that if he did issue them, they would be paid out of growing supplies. My noble Friend has quoted the passage, in which it appears to me that that was distinctly promised. That statement having been made, and power to issue these Exchequer bills having been granted last year on the understanding that they would be paid off out of growing supplies, and that we should hear no more of them, I do not think it was a fair and candid course for Government, without saying one word to Parliament on the subject, to confound them with the ordinary Exchequer bills. I cannot say that, in my opinion, that was a candid course to pursue towards Parliament. But further than that—upon this whole subject of paying the expenses of the war within the year, I think the conduct of Government towards Parliament has not been of a fair and honest character. My noble Friend near me never accused Her Majesty's Government of having adopted the principle of paying all the expenses of the war within the year. No man ever said so; but what we were told was this—and I must say I was under that impression until lately—that the taxes imposed had been sufficient to pay the expenses of the war, and that the sums the Government then saw they were entitled to would be amply sufficient to defray the expenses they were then incurring. But the fact turns out to be this—that so far from that being the case, what with Exchequer bills which were to have been paid off but which have been renewed, and the Exchequer bonds which have been issued, and which was said were neither more nor less than bills at four years date, while the Government were professing to incur no debt at all they were virtually, and to all intents and purposes, placing upon the country the burden of a debt of which I cannot state the actual amount, but which I am certain is not less than 6,000,000*l.*, and which perhaps exceeds 7,000,000*l.* That is not what we were told, and in these matters I hold the opinion that fair and honest dealing with Parliament is of the utmost importance. Whatever Her Majesty's Government are doing, let it be stated clearly and distinctly. Do not let us have the statement that we are to have no debt, and then draw these bills which in a year or two are to be renewed; but let us be told clearly and distinctly what our circumstances are. I think there is this further objection to the course; that if we had been plainly told what our situation was, and if that situation had been dealt with, it is very probable, in my opinion, that the difficulties of the country might have been provided for upon better terms than they actually will be. As in the instance of that young gentleman coming of age of whom the noble Earl opposite spoke, if he had looked his difficulties in the face and raised a mortgage upon his estate at once, he would have made a better bargain than by drawing bills at four months, which he was constantly obliged to renew, and upon which he was paying a large interest. So it is with the country. If you had looked your situation fairly in the face, and had provided money openly either by loan or by taxation, I think you would have obtained the amount you required upon better terms than you can hope for under the new expedient, which I think has been most unfortunately adopted. Though I do not profess to understand these subjects very much, still I think the statement of my noble Friend near me (Lord Monteagle) so clear that I cannot resist the conclusion that he has made out his case. There is one point, however, on which I do not altogether agree with my noble Friend. I quite agree with the noble Lord that it is sometimes quite impossible to avoid incurring debts in time of war; but I certainly more nearly coincide with the idea of the late Chancellor of the Exchequer, that a very large proportion of the funds should be raised out of the revenue while the war is in progress, and that as much of the burden as possible should be borne by the present generation.

Motion *agreed to:* Bill read 3ª accordingly, and *passed.*

House adjourned to Thursday next.

Earl Grey

HOUSE OF COMMONS,

Tuesday, March 13, 1855.

MINUTES.] NEW MEMBER SWORN.—For Forfarshire, Viscount Duncan.

PUBLIC BILL.—1° Vacating of Seats in Parliament.

TORQUAY DISTRICT CHURCHES BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. R. J. PHILLIMORE moved, as an Amendment, that the Bill be read a second time that day six months. His ground for making the Motion was, that although the Bill came before the House as a private Bill, the subject with which it professed to deal was more of a public nature; and, although it professed for its object to provide church accommodation in Torquay, the first nine clauses were precisely the same as those of the Public Church Building Acts, and where the other clauses differed from those Acts they were intended to override those Acts. The patronage it conferred upon Sir Lawrence Palk and his heirs was most objectionable, for in return for their giving a stipend to the incumbents of the churches, which might be unlimited in number, they were to be the patrons of the churches, and the subscribers were to have no voice in it. Another provision enabled the levying of church rates in respect of every church erected—and, as he had stated, they might be unlimited in number—and another provided that the expenses of obtaining the Act should be provided for by mortgaging the pew-rents. He thought it a most unnecessary and objectionable Bill.

MR. HADFIELD seconded the Amendment, and said he had lodged a petition in the Bill Office against the Bill, signed by 5,000 of the inhabitants of Torquay.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. BOUVERIE proposed to the House to adjourn the consideration of this Bill till Thursday next, in consequence of the absence of the hon. Baronet the Member for South Devon (Sir J. Y. Buller), who had charge of the Bill. The Bill was brought in at the instance of Sir Lawrence Palk and his son, who had large estates in the neighbourhood of Torquay, and who thought it was desirable to build an additional church there; and they proposed to settle a rent-charge of 150*l.* a year as a stipend for the minister of the new church. There was, no doubt, a great similarity in the Bill to the Church Building Acts; but there was this difference, that the stipend of the minister having been provided for, instead of the first charge on the pew-rents being for the stipend, this would be appropriated to pay the interest on the mortgage on which the money for building the church was raised. He moved that the debate be adjourned till Thursday next.

Sir J. SHELLEY said, that church accommodation was greatly needed at Torquay, and supported the Motion for the adjournment of the debate.

Mr. R. J. PHILLIMORE expressed his readiness to assent to the discussion being adjourned to Thursday, out of courtesy to the hon. Baronet the Member for South Devon.

Mr. HADFIELD thought the Bill so objectionable, that he should press the House to a division.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 119; Noes 55: Majority 64.

Debate *adjourned* till *Thursday.*

THE FAST DAY—QUESTION.

Sir J. WALMSLEY said, that some days since he presented a petition, praying that the fast day might be postponed from the 21st instant to the 6th of April, in consequence of the severe distress existing among working people in the metropolis and other places; but as no attention had been paid to it, he begged to ask whether the practice of withholding on fast days and holidays a day's pay from all persons in the employment of Government who are paid by daily wages was to be adopted on the fast day appointed for the 21st of March; and, if so, whether it was the intention of the Government to stop a day's pay from the salaries of all official men, or only from the wages of persons holding inferior situations.

The CHANCELLOR of the EXCHEQUER said, that he had made inquiries on the subject of the question of the hon. Gentleman, and he was informed that it was not the practice in the departments of the Admiralty, Ordnance, Board of Works, Post Office, or Custom House, to stop a day's pay of the workmen on any fast day.

PAY OF ARMY SURGEONS—QUESTION.

Mr. LESLIE begged to put the following question to the Under Secretary for War—that as medical men, civilians, were now being sent out by the Government at fabulous salaries, he begged to ask—

Mr. SPEAKER said, the hon. Gentleman in putting a question must not state an opinion, or use such words as "fabulous" salaries, and those words must be struck out of the question.

Mr. LESLIE then begged to ask whether it was the intention of the Government to raise the salaries of the army surgeons that are now employed in the army in the East, and hospitals at Scutari?

Mr. PEEL said, it was not intended to increase the rates at which the medical men connected with the army in the East were paid. It was true that their daily pay was not so large as that of the civilian medical officers who had been sent out; but it should be recollected that, on the other hand, the army surgeons, when they ceased to be actively employed, received half-pay, which was a privilege that the civil medical men now employed would not have.

MARRIAGE LAW AMENDMENT—

MARRIAGE WITH A DECEASED WIFE'S SISTER OR A DECEASED WIFE'S NIECE.

Mr. HEYWOOD rose to move for leave to bring in a Bill to amend the law as to marriage with a deceased wife's sister or a deceased wife's niece. The hon. Member said that he had presented six petitions signed by clergymen of the Church of England, resident in and near the metropolis, who ought to be good judges on the subject, praying for an alteration in the law of marriage, which prohibited a widower from marrying his deceased wife's sister. He believed that if the statute of 32 Henry VIII., which dealt with the question of prohibited degrees, were to be recognised by the Judges as determining the law, these marriages would be considered perfectly legal. In 1835, a great alteration was made in the law, when an Act passed the Legislature whereby it was declared that all such marriages as had up to that time taken place in the prohibited degrees of affinity should be deemed valid; but that all marriages contracted after the passing of that Act between persons standing in similar relationship, should be deemed illegal and void. He believed that the origin of that Act was to meet the desire of the late Duke of Beaufort to have his marriage with his deceased wife's sister legally recognised. The circumstances of that case and others rendered it most urgent that such an Act should have been passed, and he was sure that no Member of the Legislature who assisted in passing that Act would have done so if he had believed he was sanctioning an immoral proceeding, whether it occurred before or after 1835. The only difficulty in the matter was, that the canons of the Church of England disapproved of such marriages, and the law was modified to meet the objections taken on this ground. But what had been the practical effect of the passing of that Act? It had been found that so far from these marriages having ceased since 1835, they had rather steadily increased, and it had been ascertained that one in every thirty-three widowers who married again, married his deceased wife's sister. There had been no less than 12,000 of those marriages since 1835. Twenty years had elapsed since 1835, many of the children of such marriages had grown up, and there would be great difficulties in regard to family property, from the uncertainty of the law. The simplest way in which these difficulties could be overcome was to continue Lord Lyndhurst's Act of 1835, with reference to the two cases of a deceased wife's sister and a deceased wife's niece, and legalise all these marriages subsequently made against which no decision had been taken. He did not believe the legal prohibition had, or would have, the effect of stopping such marriages. He was convinced that the general feeling of the country was in favour of their being allowed; and he believed a large number of the ladies of this country were very much of opinion that men should be allowed to please themselves as to marriage with a deceased wife's sister. He knew, in his own neighbourhood, a lady of large property who had told him that, if she died, there was no person she would so much wish her husband to marry as her sister; because she was persuaded that no one would ever take so much care of her children. The evidence of Cardinal Wiseman, who was at the head of the Roman Catholic community in this country, showed, that he was continually granting dispensations for this particular kind of marriages, and he declared, as the reason for his doing so, that it was impossible to hinder such marriages, and that if he did not grant the dispensations, the parties would simply cohabit without marriage. And he (Mr. Heywood) believed that was very largely the case, particularly among the working classes. It often happened in London and elsewhere that a family of working people inhabited only one room; and here, if the wife died, and her sister came to take care of the children, she and their father living in the same room, they did not consider themselves as brother and sister, and their natural feeling would arise without regard to the artificial prejudices that might prevail amongst persons of a higher class. Then with regard to those of the richer classes who might be desirous of such a connection, they had every facility for marrying on the Continent or in America. The laws of Germany and those of the United States did not hinder such marriages; and there was a place near Dusseldorf which was a kind of Gretna Green for persons who wished to marry their deceased wives' sisters; he believed the cost of such marriages was about 30*l.* a-piece. It had not yet been settled by the law courts whether such a German marriage was legal or not; but he believed that in the case of any English parties *bonâ fide* resident abroad, there was no doubt of its legality, although, if they had gone abroad merely for a day or two, some doubt might exist. It was a great anomaly that Great Britain should differ from almost all other civilised nations of the earth in this matter of marriage. Whether this were to be attributed to our insular position or to the influence of the clergy, he did not know. But amongst the clergy themselves, he believed, there was on this subject a great difference of opinion, and the clergymen of large and populous parishes, having seen the effect of the present law, were generally found to be in favour of its alteration. The enforcement of this prohibition on other religious communities against their own conviction was a downright act of tyranny. The Jews, for example, had from all times sanctioned marriage with a deceased wife's sister; and the authority of their ancient legislators indicated a near kinswoman as a person with whom marriage was most desirable. He need scarcely cite to the House the well-known instance of Ruth and her kinsman Boaz. The Convocation of the English clergy, who, in 1603, had declared all marriages made within the degrees prohibited by Archbishop Parker's table, in 1563, to be incestuous, were mistaken in their interpretation of the laws in Leviticus, which were supposed to relate to marriage. Dr. Adler, the Chief Rabbi of the Jews in England, stated in 1848, that marriages with deceased wives' sisters were not opposed to the Jewish law. Dr. Adler said—

> "In all the countries of civilised Europe, where the law of the land offers no impediment, marriages of widowers with their deceased wives' sisters very frequently take place. From the experience which I myself have had during the twenty years that I held the office of Chief Rabbi in Oldenburg and Hanover, I can affirm that the marriages in question were frequent, and that they have almost invariably proved happy. Even here in England, prior to the passing of the marriage Act of the 5 & 6 *Will.* IV., such marriages frequently occurred."

He (Mr. Heywood) believed that, in keeping up this prohibition, they were going directly against the Book of Leviticus, and against the clear interpretation of the Pentateuch; he seriously considered that it was, in a way, fighting against God, to maintain this wicked and unholy law, forbidding the marriage of a man with his deceased wife's sister. He would next refer the House to the opinion of Dr. Schwartz. The Rev. Dr. Schwartz, Ecclesiastical Counsellor, Superintendent, and Chief Clerical Professor of the University of the Grand Duchy of Saxe-Weimar, writes—

> "Public opinion in the country of Weimar, and in the whole of Thuringia, regards such a marriage as unobjectionable, and only aims at abolishing the necessity of asking permission for each individual case, and at the introduction of perfect liberty in reference to such matters. That the same may be obtained in England, the land of liberty and of order based upon a respect for the laws, is my sincere wish."

In the United States of America there was only one State of the Union, Virginia, which did not allow these marriages; and when the Book of Common Prayer was revised after the establishment of American independence, there were two portions of the Liturgy which the American episcopalians wished to leave out—the Athanasian creed and the passage in the Apostles' creed about the descent into hell, upon which a correspondence took place with the Archbishops of Canterbury and York; but there was no dispute about the omission of the table of prohibited degrees, which was, in fact, no part of the Prayer Book whatever, and had no Parliamentary authority, and was not to be found in the United States' Prayer Books. He would read to the House an extract from a letter written by Judge Story, of the Supreme Court of the United States, with respect to the state of public opinion in North America on the marriage law relating to the sister of a deceased wife—

> "Cambridge, Massachusetts, United States,
> August 4, 1842.
>
> "Dear Sir—There is not the slightest doubt, and never to my knowledge has been, in Massachusetts, that the marriage of a man with the sister of his deceased wife is perfectly lawful, and valid, and scriptural; indeed such marriages are very common among us, and among all sects of Christians.
>
> "I recollect, at this moment, two between Episcopalians within the circle of my acquaintance, and I mention these only as it has been supposed to be against the canon law of the Church of England to allow such a marriage. By many persons connections of this sort are deemed the most desirable, especially where there are children of the first marriage. The same rule prevails (as I believe) in all the New England States, and in by far the greatest number of the other States of the Union. I do not now recollect but a single exception, that of Virginia.
>
> "Many years ago, I had occasion to consider this very question, as one of professional curiosity and learning. I was then of opinion and still continue to be, that there is not the slightest foundation for any such prohibition in the Scriptures; and that wherever it exists it has its foundation in some positive municipal law, or in the canon law as promulgated by the Romish Church and thence transferred into the canon law of the English Church. . . . . . . Many persons are of opinion that the whole doctrine had no better or higher origin than in the practice of the Romish Church to grant dispensations in such cases. Of the correctness of this opinion I do not pretend to judge; for I have never deemed it a matter of the slightest importance; so offensive would any such prohibition be deemed in Massachusetts, that I am satisfied that if our Legislature were to attempt to introduce it, it would be met with universal indignation, and, *a fortiori*, any attempt of any religious sect to make it a part of its own laws as unscriptural, would be deemed an usurpation of authority utterly un-Christian and illegal.
>
> "I well remember to have had a long conversation with my lamented friend Judge Livingston on this very subject near the close of his life, in which he maintained the same opinion with great earnestness and ability.—Believe me, with the highest respect, yours truly,
>
> "JOSEPH STORY."

Sir William Jones, the distinguished Orientalist, and one of the most accomplished Hebrew scholars of modern times, in a letter to John Alleyne, Esq., in 1774, thus expressed his opinion on the proper interpretation of the laws relating to the uncovering of nakedness in the 18th chapter of Leviticus, explaining, that in Hebrew, covering nakedness referred to marriage, and uncovering nakedness to illicit intercourse between the sexes—

> "I have read over the 18th chapter of Leviticus in Hebrew, with a view to discover the true meaning of the words which you desire me to interpret; and I have examined all the passages that I could find, in the historical and prophetical parts of Scripture, in which the same expression occurs. The phrase of 'uncovering the nakedness' is literally translated from the Hebrew. It is surprising that the chapter before us should ever have been taken for the law of marriage, since it is apparent that all the laws contained in that chapter relate only to the impure lusts and obscene rites of the Egyptians and Canaanites, to the abominable customs and ordinances, as they are called, of the idolatrous nations, who were extirpated by the chosen people. These doings are enumerated with a special law against each of them; and, lastly, the general command is resumed—'Defile not yourselves in these things, for in all these things are the nations defiled which I cast out before you.'
>
> "Mr. Fry, the author of a pamphlet, which you justly commend, makes an observation, which I think decisive, that the phrase of 'concealing' the nakedness, not of 'exposing' it, is constantly used in Scripture for the nuptial rite. I turned to the passage in Ezekiel, where that vehement poet, or rather orator, is describing the covenant with the Jewish nation, which covenant is very often, we know, expressed by the allegory of a marriage. His words are—'Thy season was the season of love; I spread the border of my mantle over thee, and covered thy nakedness;' that is, I married thee. What is conclusive evidence, if this be not? And if this interpretation of Leviticus be just, what will become of the canons and rubrics on the Levitical degrees?"

He was aware that many persons would be startled by the assertion that one of the canons of the Church of England might be erroneous; but that was no reason why they should not inquire whether that canon had been drawn up in accordance with correct data or not; and if they found it was not, why they should not alter it. This was a practical question, in which the welfare of a large number of people was involved. Many couples were living in such a marriage, whose marriages were legally void. As he understood there was a great deal of prejudice on this subject in the northern part of this country, he was perfectly willing to leave Scotland out of the scope of this Bill. It was strange, however, that the people of Scotland, the disciples of John Knox, should adhere to this prohibition, which was a relic of Romanism, and one of the worst dogmas of the Middle Ages. If the origin of the prohibition were to be traced back, it would be discovered in the Greek Church of the fourth century after Christ, when Basil, Bishop of Cæsarea, made an order against such marriages, and seven years' penance

was ordained for every one who disobeyed it. The Roman Church had followed the Greek, and the English the Roman. But he would remind the House of the saying of Lord Denman, in the case of O'Connell and others *v.* the Queen, that no number of repetitions of erroneous opinions made that doctrine right which had been originally founded in error. Lord Denman said—

> "I am tempted to take this opportunity of observing, that a large portion of that legal opinion which has passed current for law, falls within the description of 'law taken for granted.' If a statistical table of legal propositions should be drawn out, and the first column headed 'Law by Statute,' and the second 'Law by Decision,' a third column, under the heading of 'Law taken for granted,' would comprise as much matter as both the others combined. But when, in the pursuit of truth, we are obliged to investigate the grounds of the law, it is plain, and has often been proved by recent experience, that the mere statement and restatement of a doctrine—the mere repetition of the 'cantilena' of lawyers—cannot make it law, unless it can be traced to some competent authority, and if it be irreconcilable to some clear legal principle."

He (Mr. Heywood) contended that in the prohibited degrees of marriage, there ought to be a distinction drawn between consanguinity and affinity, and, that with regard to these collateral cases of a wife's sister, or a wife's niece, and, in his opinion, of a brother's widow also, it was open to us to alter the law. But the Bill he would now propose related merely to the subject of a wife's sister or niece. The first clause repealed so much of the Act of 1835 as rendered any such marriage void or voidable. The Bill was not to extend to Scotland, and there was to be perfect immunity given to all registrars and clergymen or others officially concerned, who might have any conscientious objections on the subject. No clergyman or registrar would be liable to any action or penalties for his refusal to perform such marriages. He trusted that the House would consent to the introduction of his Bill; for it was necessary that there should be a speedy decision of this question, as the present state of the law was a great injustice and cruelty to many persons thus connected with each other, and who were either married, or who were sincerely attached to each other, and desirous of being married. He now moved for leave to bring in the Bill.

Mr. HANKEY seconded the Motion.

Motion made, and Question proposed—

> "That leave be given to bring in a Bill to amend the Law as to Marriage with a deceased wife's sister or a deceased wife's niece."

SIR F. THESIGER said, he should oppose at the very threshold the introduction of this Bill. The question was not a new one; it had been fully discussed on several previous occasions, and the whole merits consisted in the principle involved. He was in hopes that the last experiment which was made in this direction would have discouraged any further attempt in favour of the alteration of the law now proposed. In 1851, a measure similar in its character to the present was brought forward in the House of Lords; and, notwithstanding that it was supported in a speech of great power and ability by Lord St. Germans, after considerable discussion, only sixteen Peers could be found to vote in its favour. He therefore was surprised and deeply regretted that the hon. Member should have thought fit again to agitate a matter which undoubtedly stirred the feelings and prejudices of a large class of Her Majesty's subjects, for he was satisfied that, even if he should succeed in obtaining for his proposal a temporary success, there was no chance of the measure being carried successfully through its further stages; and it was most undesirable to agitate a question of this kind when the only result of that agitation would be ultimate failure. The hon. Member had adduced no new argument on the question, and the matter remained precisely as it was when it was brought forward in that House in 1850. All the facts were to be found in the report of the Commission of 1848. The hon. Member had said there was now a general feeling in favour of the measure, and that he had presented petitions from several clergymen who were advocates for it. He had also stated that the great majority of Roman Catholic and Dissenting ministers did not oppose an alteration of the law in this respect, and that the ladies were advocates for it, and particularly anxious that the men should in this matter have the fullest opportunity of pleasing themselves. He fully admitted that this was a woman's question, and he thought that the opinions of the women of England ought not to be disregarded in legislation with respect to it; but his (Sir F. Thesiger's) experience certainly did not bear out the views of the hon. Gentleman; for so far as his experience went, he believed that the opinion of the women of England was directly opposite to that stated by the hon. Member, and wherever he had had an opportunity of testing their feelings upon the subject, he had found them invariably opposed to an alteration of the law; and on the former occasion 11,000 women of England presented a petition to the Queen against the Bill. Disregarding for a moment any consideration of the question in a religious point of view, he would ask what was there to guide the House on the mere question of expediency? The whole question, as he said before, was involved in the report of the Commissioners of 1848, and he thought the hon. Member had come to very erroneous conclusions both with regard to the report itself and the evidence upon which that report was founded. The House would remember that some time ago a number of persons interested in obtaining an alteration of the law, some of whom had violated it, and others, who were more scrupulous, but who desired such an alteration, had associated themselves together and endeavoured to impress on the public mind that a great grievance existed from the state of the law of marriage in this country; they engaged active and intelligent agents, who distributed themselves in the most populous districts of the country, and, by inserting letters in the newspapers and in other ways, produced an impression in the public mind that a multitude of persons were oppressed by the law. At all events, they succeeded in obtaining a Commission composed of persons extremely eminent in station, character, and ability; but it appeared to him (Sir F. Thesiger) that the members of that Commission permitted themselves in some degree to become the instruments of those persons who were desirous to change the law. Of course, it was natural that all persons who felt aggrieved should seize the opportunity to narrate their grievances to the Commissioners, while those who desired the continuance of the law, not feeling it to be their peculiar duty to oppose the alteration, verified the common saying that what was every man's business was no one's, and in consequence the evidence was to some extent partial and incomplete. Notwithstanding that, it appeared to him that the statements in the report were entirely at variance with the statements of the hon. Member for North Lancashire (Mr. Heywood). The tone of the Commissioners was extremely mitigated and moderate, but they admitted that great diversity of opinion existed. As far as Ireland was concerned, he was prepared to show that not only was the proposition contrary to the reasonable and moral convictions of the Roman Catholic clergy, but most revolting to their feelings; and with respect to Scotland, the opinion of the clergy was decidedly against it; while the Commissioners admitted that in the United Kingdom divers opinions were maintained, but that the prevalent feeling of the laity was against marriages of this description, which, however, was attributed to their not having fully entered into the consideration of the merits of the question. The hon. Gentleman had adverted to the condition of the poor in this respect, and had argued the question as though it were a poor man's question; but, considering the way in which this agitation commenced, and the parties who instigated it, he (Sir F. Thesiger) felt convinced the House would never have heard anything about it if it had been only a poor man's question. The very report which had been referred to was opposed to such a statement. The Commissioners said, that from 1835 down to the time when evidence was given before them, there had been 1,634 of these marriages in the five populous districts in the north and west to which the instigators of this agitation had recourse, and out of these only forty were found to have taken place among the lower classes. It was true, they added, that they had reason to conclude that such marriages were at least as frequent in that class as in any other, and perhaps much more so, as the affinity was less observed and more difficult to be traced; but what right had the Commissioners to draw that conclusion? They had no evidence to that effect; on the contrary, the evidence before them would have warranted them in saying that such marriages among the lower classes were uncommon. But then it was said that there were in the whole kingdom about 12,000 of these marriages, and probably 60,000 innocent persons who were petitioners to the House for an alteration in the law by which they were now affected. The hon. Member had arrived at these numbers by a calculation of a very extraordinary kind, for he had taken the reported result of the five districts referred to by the Commissioners, and by applying that proportion to the whole of the country he in that way arrived at the conclusion he had stated. But several incumbents of the most populous parishes had declared that very few marriages of this description took place in their parishes—in some not one for years. Therefore he (Sir F. Thesiger) did not think this calculation a very sound one, and did not believe these violations of the law had been so frequent as the hon. Gentleman had suggested. But could the House be called upon to interpose for the protection of persons who had deliberately offended against the law, and who, by so offending, had necessarily involved innocent persons in the consequences? It had been alleged that these persons had erred ignorantly; but this he utterly denied. The persons who appeared from the blue book to have married in this manner were well educated, and knew what the law was; some of them had gone abroad for the purpose, as they supposed, of evading the law, while others acted in open defiance of it; all, however, it was clear had their misgivings and scruples about the morality of such marriages. He thought, then, the House ought not to have any compassion for persons who had deliberately violated the law in this way, and that it would afford the worst possible example if they passed an Act retrospectively affecting their condition, even for the sake, as was observed, of the innocent persons who stood affected by the present law. The hon. Member had referred to two or three points which required some answer. In considering this subject, the first and most important point was the religious question involved in it; and here he did deeply deplore that there should be such a distressing diversity of opinion. It was alleged that no prohibition was contained in the Levitical law against these marriages, but his opinion was entirely opposed to that statement. His own impression, after careful consideration, was, that the precepts upon the subject of marriage contained in the 18th chapter of Leviticus formed part of the moral and not the ceremonial law of the Jews, and were binding at all times and upon all persons. The hon. Member had, however, adopted the argument, and pressed the authority of Sir William Jones, that this chapter did not refer to incestuous marriages at all—that it was, in point of fact, a warning and prohibition against illicit intercourse; but, if so, the hon. Member must be of opinion that a licence was given to the Jews to indulge their passions as they pleased, provided they kept clear of the limit of the degrees of consanguinity contained in this chapter; and in that opinion he did not think many would be found to unite. Those who opposed the alteration of the law had never contended that any prohibition of the marriage with a wife's sister was contained in the 18th verse, but the prohibition was found in the previous prohibition with respect to a brother's wife. However difficult the 18th verse might be of interpretation, it was never rested upon as any ground for saying that the marriage with a wife's sister was expressly prohibited. Various interpretations had been given of the prohibition contained in that verse, but in his (Sir F. Thesiger's) opinion, whether any or none of those interpretations were correct, no fair conclusion could be drawn from the words of that verse, so contrary to the spirit of all the preceding ones as to lead to the supposition that a permission was intended to be given to the marriage with a wife's sister. He apprehended that there would be little difficulty in showing that the marriage law of the Jews was binding upon Christians. The mode of teaching under the Gospel dispensation was entirely different to that under the Jewish; the law of marriage was placed upon a higher and holier footing, and a more important and sacred interpretation was given to it than under the Jewish dispensation. He had no doubt in his own mind that the whole of the prohibitions contained in the 18th chapter of Leviticus were binding upon Christians, and, if possible, in a higher degree than they were upon Jews. Without resorting to tradition, he was desirous of considering what had been the opinion of persons anxious to obtain the meaning of Scripture and its binding force upon their consciences as to the divine law upon this subject; and he found beyond question that in the early ages of the Church and down to the sixth century the uniform opinion entertained was that the law contained in the 18th chapter of Leviticus was the divine law upon the matter, and that that law was not to be confined to the express prohibition contained within it. At a later period corruptions crept in, and prohibitions were introduced which were not to be found in the Scriptures; nevertheless, this particular prohibition was uniformly maintained from the earliest period down to the end of the fifteenth century, when for the first time an unfortunate departure from the rule of the Church took place, a dispensation having been granted by Alexander VI. to Emanual, King of Portugal, to marry the daughter of Ferdinand, King of Spain, Emanual having previously been married to her sister. Down to that time there had been dispensations granted by the Church with respect to marriages, but they related only to marriages prohibited by the ecclesiastical law, but this was the first time the divine law had been departed from. The departure was subsequently followed by a dispensation, granted by Julius II. to Henry VIII., to marry his brother's widow, in which case the dispensation was undoubtedly a dispensation against the positive law of God. And what were the consequences? Clement VII. refused to decide against that dispensation, and the Roman Church was placed in the difficulty of being called upon to decide that the Levitical law of marriage was not binding upon the Christian, or that one of their Popes had dispensed with the law of God. They took the course of deciding that the Levitical law, was not binding, but they did so in a hesitating manner, the language used at the Council of Trent sufficiently showing how extremely guarded was the expression of opinion upon the subject. It was merely insisted that the Pope possessed the right of granting dispensations in certain cases; but no law whatever was laid down with regard to a wife's sister, though it was stated with regard to an inferior degree of affinity that dispensations might be granted. Thus matters stood at the time of the Reformation, and he believed he was correct in saying that the Reformers, who professed to be guided by Scripture only, were unanimously in favour of the Levitical law, including the prohibition of marriage with a deceased wife's sister, being applied to the Christian Church. When, therefore, the hon. Member said a complaisant Parliament made the law accord with the inclinations of Henry VIII., it should be remembered that Parliament only adopted the opinions and conclusions of the Reformers. He quite admitted that the canons were not binding on the laity, but they were binding on the clergy; and the hon. Member endeavoured to meet that objection by proposing to exempt the clergy from any consequences for refusing to celebrate marriages which they believed to be contrary to the divine law. The law continued in this state down to the year 1835, before which time many persons, undoubtedly with a full knowledge that they were committing a breach of the law, had contracted marriages of this description. The law of Henry VIII. declared such marriages invalid if they were pronounced so by an ecclesiastical judge, but not else. To evade the law, a friendly suit was sometimes kept alive during the existence of the parties; when one of the parties died, the marriage could not be dissolved by the Ecclesiastical Court, because it was already dissolved by death, and so the children were rendered legitimate. That was not a state of things which could be permitted to continue, and the Legislature was induced to pass the Act of 1835. He very much regretted that that course should have been adopted, for he thought it was a compromise which ought never to have been tolerated—it was calculated to beg an important question. But certainly it fixed the law in future, and so far it was a considerable advantage. From that time it was declared that marriages within the prohibited degree of affinity and consanguinity should be null and void. No person could thenceforward have been mistaken on the point, and there were no longer any means of evading the law upon any contrivance. He assumed that it was after careful consideration that the Legislature had come to that conclusion. But the hon. Member now wished to repeal a portion of that Act; for he was not yet bold enough to say that with respect to all the degrees of affinity an alteration should be made. The removal of the prohibition to marry a deceased wife's sister was the real question, the wife's niece being introduced merely because it was unreasonable to admit the nearer degree and exclude the more distant. But if the hon. Member was convinced there ought to be perfect freedom of marriage, why did he confine his measure to a deceased wife's sister and a deceased wife's niece? They were referred to the state of the law in Protestant Germany and in America, and told to imitate the example of those States with respect to the law of marriage. In his (Sir F. Thesiger's) opinion, infinitely more moral feeling was induced by adhering to the strict law than by adopting the liberal and enlarged notions which prevailed in America and in Germany. In many of the States in Germany marriage between an uncle and a niece was not prohibited; on the contrary, marriages in which *semi-paternal* relationship existed between the parties were by no means uncommon. He did not understand that the hon. Member was prepared to go that length; but where would it end? If they once extended the limits, the only rational termination was to do away with all degrees of affinity, and leave only those of consanguinity. The hon. Gentleman said, he would not extend his new law of marriage to Scotland. Why not? If it was a question of principle, why should Scotland be excluded? Were there no sisters-in-law in Scotland? The reason of the hon. Gentleman could be easily understood. He was desirous to carry his measure, and he knew that the feeling in Scotland was so unanimous, and so strong against having those restrictions which were imposed on marriage in that country relaxed, or the marriage law enlarged, that if he had included Scotland in his measure it would certainly be rejected. He (Sir F. Thesiger) trusted the Members for Scotland would not be deceived by this, because, if the hon. Gentleman carried his Bill, he did not see how it was possible to refuse extending it to Scotland. The hon. Member proposed to introduce into his Bill a provision which should exempt clergymen from any penal consequences upon their refusal to celebrate marriages of this description. Could anything more strongly indicate the feeling of the hon. Gentleman, that clergymen of the Church of England might conscientiously entertain the notion that these marriages were prohibited by the divine law? But if the hon. Gentleman really and sincerely entertained the opinion that there was nothing in the divine law to prohibit a human law of this description, let the hon. Gentleman be consistent, and enforce his law upon all persons indifferently—because every man was bound to obey the law. The hon. Gentleman, therefore, showed his weakness, and a distrust on the subject of these marriages not being prohibited by the divine law, when he proposed a clause of this nature. The hon. Gentleman had entered very little into the moral and social bearings of the question, or as to what the effect of such a law would be upon the purity and happiness of the people. A wife's sister was probably the best guardian that could be chosen for the infant children of her deceased sister; and therefore, for the security of the happiness of the family, it was necessary that there should be an opportunity afforded to the brother-in-law of making the sister of his deceased wife the guardian of her children. But how was this guardianship to be secured? The hon. Gentleman had not ventured to enter upon this most important part of the subject, neither would he (Sir F. Thesiger) trouble the House with any remarks upon it. The whole matter was one of so delicate a character that he would gladly avoid the discussion altogether. His objection to the measure was upon the ground that it would be contrary to the divine law; that it would deeply affect the happiness and the comfort of numerous families throughout the kingdom; and that for one instance in which it would be gratifying to the feelings of individuals, it would introduce domestic discord and discomfort into thousands of families, and would be completely destructive of all those finer feelings of affection which at present existed in the relationship of a man and his children with his wife's nearest kin. He did, therefore, most earnestly hope that the hon. Member would feel there could be no use in further agitating this question. He had himself entered into this discussion with extreme reluctance. It was almost impossible fairly and fully to discuss the subject without entering into questions of such delicacy as every one must be anxious to avoid. He had, however, endeavoured to present his views to the House without approaching any such topics; and, having done so, he felt that it was absolutely necessary to resist the introduction of the Bill.

MR. BOWYER said, that it might be useful for the full consideration of this important question to revert to what was the law on the subject at, and before, the time of the Reformation. It was quite clear that these marriages with the wife's sister were not void, and never were void, at common law. They were only voidable as contrary to the ecclesiastical law, and in the ecclesiastical courts, and not in the temporal courts. If the question of the legitimacy of a person, the issue of one of these marriages had been raised in a temporal court—in an action of ejectment for instance, the temporal court would have affirmed the validity of the marriage. Before the Reformation the ecclesiastical law allowed such marriages to take place by dispensation of the ecclesiastical authorities; but at the Reformation the authority of the Holy See was put an end to, and with the exception of a power reserved to the Archbishop of Canterbury, to grant certain dispensations, the power of dispensation was wholly abolished. The result was, that the lawful celebration of these marriages came to an end; they were, however, allowed by the Church of Rome, and their lawfulness was admitted, even by the Anglican Church, for they had been discontinued, simply because the dispensing power had ceased. It was quite clear, then, that there was no authority in law in favour of this absolute prohibition, because the practice of the Church from the earliest time showed that though the Church did not allow these marriages to take place without dispensation, the Church did not hold the marriage to be contrary to the law of God. Our Church never dispensed with the divine law, and by granting dispensations for these marriages, the Church declared that they were not contrary to God's law. Then came Lord Lyndhurst's Act, which was a species of compromise intended to meet the particular case of a noble family, in which a marriage of this sort had taken place; but the law, as it existed, after the passing of that Act, operated as a great hardship upon the Roman Catholic population of this country, because, while marriages with a deceased wife's sister were practically allowed by their religion, the State stepped in and prohibited them. He (Mr. Bowyer) was of opinion that the argument that these marriages were contrary to the Levitical law, was given up in substance on the present occasion. The hon. and learned Gentleman (Sir F. Thesiger) had certainly added nothing to what had been said before on that portion of the subject, and had, indeed, rather weakened what had been previously urged in support of it. The hon. and learned Gentleman argued that the Levitical law was part of the moral law, and that, therefore, it was binding now; but this position was contrary to the common law of England. For the common law, before the statute of Henry VIII., allowed marriage dispensations within the Levitical degrees. Suppose that the hon. and learned Gentleman were right in his view, that the Levitical law prohibited these marriages, and that it was binding as part of the moral law, he must go further, and must accept another portion of the Levitical law—that which said that if a man left a widow without children his brother should marry her and raise up seed to him. The hon. and learned Gentleman had ingeniously endeavoured to convince the House that these marriages were contrary to the Levitical law; but, in reality, he had not insisted upon the argument, but had left the question open as a matter of opinion. By the law of the Roman Catholic Church and of the Anglican Church, these marriages were valid, with a dispensation, because they were regarded as being prohibited only by an ecclesiastical law, and not by the law of God. There was little authority for maintaining the prohibition, and there was no doubt that restriction upon marriage was, as a general principle, unsound. In England, a large body of Dissenters considered that these marriages were not contrary to the law of God, and the prohibition was a hardship on those people unless it was shown that such prohibitions were necessary, and they ought to be allowed perfect freedom to contract them. In the Roman Catholic Church, marriage with the wife's sister was forbidden by the ecclesiastical law, but it was not a prohibition of the divine law, and they, therefore, permitted them to be contracted by dispensation, leaving it to the ecclesiastical authorities to decide in each case, whether they should be allowed or not. The Church of Rome never assumed the power to dispense with the divine law; it could only dispense with the ecclesiastical law; and the Church of Rome had always exercised the power of dispensing with the prohibition of marriages of this sort. As to the social and moral part of the question, he (Mr. Bowyer) was not satisfied with the arguments that had been used to show that the welfare and purity of society required that in every instance these marriages should be made void, and he would, therefore, vote for the first reading of this Bill.

Mr. E. BALL supported the introduction of the measure, on the ground that what was not expressly prohibited in God's Word must be taken to be permitted, and in no case did he find any prohibition with respect to the marriage of a man with his deceased wife's sister. His hon. and learned Friend below him (Sir F. Thesiger) had entirely failed to show any such prohibition; and, looking at the question in a moral and religious view, he (Mr. Ball) saw no objection to the introduction of the present measure. Indeed, to justify the principle affirmed by this Motion, he could cite a mass of the highest authorities in the Church of England, persons whose lives corresponded with the doctrines they taught, and whose views on this question were in accordance with the views of those who advocated the removal of the present restrictions. Among those names were those of Archbishop Whately, the Bishop of Norwich, the Bishop of St. David's, the Bishop of Lincoln, the late Bishop of Landaff, and he might go on naming a long list of illustrious divines and holy men who had concurred in those views. Then, again, among those who were revered by the great body of Dissenters, and who were favourable to the adoption of a measure like the present, the name of Dr. Chalmers stood pre-eminently forward. True, Scotland had been named as generally unfavourable to the adoption of such a measure; but why was it so? Because the Scottish Church was opposed to it, and the doctrines of that Church being inculcated into the minds of the children of the nation rendered them unfavourable to marriages of this description. But no such doctrine was inculcated by the catechism of the Church of England, and, therefore, the children of this nation did not grow up imbibing the like prejudices; therefore he could well conceive that the measure, although advantageous to this country, might not be suitable to Scotland. Another name he would cite in its favour was that of Dr. Adam Clarke, a man of profound learning, of immense ecclesiastical research, and whose admirable commentaries upon the Holy Scriptures had rendered his name celebrated throughout the empire. He, too, was favourable to the abolition of the present restrictions; and he (Mr. Ball) would complete the list of illustrious men whose opinions were favourable to a change of the law in this respect by adding that of a man who was held in veneration by hundreds of thousands, nay, perhaps, millions of his fellow countrymen—the great Wesley, a man than whom no one led a purer or more pious life; and also the name of Professor Lee. He believed it was a mistake to suppose that the people of England generally were not favourable to the proposed change in the law, for it was no argument in support of that view to say that only 1,634 marriages of this kind had taken place in eleven years after 1835 in the five populous districts of the north. The House must recollect that the hon. and learned Gentleman himself answered that argument by stating that those marriages were in violation of the law, which was quite sufficient to account for the smallness of the number. Neither were they to estimate the importance or value of a measure by the circumstance that on its first introduction but few had supported it, and that when the question was before the House of Lords not more than sixteen Peers could be found to support it; for if that had been the principle upon which the House had always acted many of those great laws which were the boast of this country, and had contributed so much to the advancement and happiness of the people, never would have passed the Legislature. Let them look at the mode in which the question was viewed by the vast proportion of the human race.

He did not believe he was saying too much when he asserted that four-fifths of the population of the whole civilised world were permitted to marry the sisters of their deceased wives. Another reason in favour of such marriages was to be found in the fact that at present, in some instances, the children of the first wife were very badly treated by the second wife; but it was repugnant to the dictates of human nature to suppose that the sister of a deceased wife would do otherwise than treat her own sister's children with affection. So far from the removal of the present restriction being unfavourable to morals, he believed it would have a tendency to advance them, and believing that such marriages were not only not repugnant to, but were in strict accordance with, the law of God, he had no hesitation in giving the Motion his support.

MR. M. MILNES said, he did not certainly expect, when he heard his hon. and learned Friend opposite (Sir F. Thesiger) give so large and interesting a discourse upon this matter, to hear him complain of its having been brought forward on a previous occasion. He (Mr. Milnes) was of opinion, that if the House required information on the subject, his hon. Friend behind him had done well in bringing forward this Motion. He looked upon this question as one of vital importance to a large proportion of the British people. The greater number of the marriages which had been contracted in spite of the restrictions of the law occurred in the north, and the evils consequent thereupon were gradually on the increase. The frequency of those marriages had been in no degree lessened by the refusal of the Legislature to legalise them, and it really seemed as if the people in favour of these marriages were determined to say to the Legislature, "If you choose to go on imposing this cruel restriction upon us, we will go on breaking the law until you alter it." He entreated hon. Members who opposed this Bill, to ask themselves whether it was not a grave event, when they saw the law deliberately violated, not by men of reckless habits or wild dispositions, but by men of grave and sober thought and deep religious feelings, belonging not to the lower orders of society alone, but to the most respectable and intelligent of the middle and higher classes. Surely it was not wise in the Legislature to allow such a state of the law to continue. The House could not, it was clear, stop these marriages by any refusal to recognise them, because the parties to these marriages believed that hon. Members belonged to a class of society which might be disagreeably affected by the abolition of this limitation, while to the class who required the repeal of this law it was almost a matter of life and death, involving as it did the happiness of themselves and their children. It was, therefore, the duty of statesmen to deal with this question as a practical difficulty, and not to consider it merely in a theoretical point of view—and the only way to deal with it practically, was to revise the law altogether. The advocates of this change in the law had no wish to interfere with the religious convictions of the hon. and learned Member and those who thought with him; but on the other hand, the hon. and learned Gentleman had no right to say to those who wished to see the law altered, that they were wrong and he only was right, and so deprive them of the right of private judgment, which the freedom of our constitution conceded to all classes whether high or low. He regarded the present Bill as another step in the religious liberty of the people of England, and as such he trusted it would be confirmed by the House.

MR. R. PHILLIMORE said, he had no wish to enter upon the religious or theological part of the question; but he rose simply to protest against the doctrine which had been laid down by the hon. and learned Member for Dundalk (Mr. Bowyer) that, previous to the Reformation and the reign of Henry VIII., the common law of England knew nothing of the illegality of these marriages. He said, indeed, that they were only dealt with by the ecclesiastical courts; but nobody knew better than the hon. and learned Gentleman, that the answer to his argument was this, that the common law of the land fully recognised the authority of the ecclesiastical courts, and left such matters to their judgment and authority. The hon. and learned Member might as well have argued that the common law of this country knew nothing of equity, because there was a separate jurisdiction to take cognizance of equity cases. The hon. and learned Member also pressed the question on the House as a Roman Catholic grievance, and said it was a hard case to prohibit these marriages, because the Pope could grant a dispensation to enable a man to marry his brother's wife, while Parliament stepped in and declared such a marriage illegal.

But let the House look to the consequences, if such an argument were allowed to prevail—they had heard of such things in the Roman Catholic Church as a Papal dispensation, permitting a man to marry his own niece; and if the hon. and learned Gentleman's argument were maintainable, it might be said that the law of the land prohibiting such marriages was a grievous restriction upon the ecclesiastical liberty of Roman Catholics, since here was a marriage which the Church of Rome would allow its members to solemnise, while their hands would be tied by an Act of Parliament—that they were restricting them by an Act of Parliament from doing that which was sanctioned by their own ecclesiastical authorities. With regard to the measure itself, if he wanted any argument against its introduction, he should find it in the limitations which the hon. Member (Mr. Heywood) had himself introduced. The hon. Member excepted half the kingdom from the operation of the Bill; so that, if the Bill passed, that which would be a valid and proper marriage in England would be invalid on the ground of incest in Scotland. What prospect could there be of harmony between the two countries when a journey of twenty-four hours by railway would make a marriage valid if solemnised in one country, and invalid if celebrated in the other? Why should a marriage lawfully celebrated at one terminus of a railway have no force or legality at the other? Then the hon. Member laid down another still more objectionable exception, and proposed that all clergymen, Dissenting ministers, and registrars who objected to these marriages, should not be obliged to marry parties under this law. There could be no stronger argument against the expediency of the law than these exceptions. Hon. Members talked of the cruelty of our legislation towards those who had broken the law, but they ought also to have some consideration for those who had kept the law. What misery, jealousy, and wretchedness, would not be carried into the hearths and homes of the greater number of families in the kingdom if this law were carried out, and inflicted, too, because a few persons had violated the law. They were told that parties went to Dusseldorf, as they used to go to Gretna Green, to solemnise these marriages; but every lawyer in the kingdom whose opinion was worth anything knew that these marriages were invalid. He challenged any lawyer in that House to express a doubt as to the *status* of the children who were the issue of these marriages. He did not wish to see that assembly turned into a religious convocation, and no case had, in his opinion, been made out for disturbing the present relations of families. Without referring to scriptural or theological grounds, he thought that the House, on grounds of expediency and policy, and even of justice, ought not to sanction the further progress of a measure originally excited by the reprehensible agency of the rich canvassing the poor. Such an attempt to disturb the marriage law of the land was, he thought, unhallowed; and the House would exercise a wise and judicious discretion in not assenting to the introduction of the present measure.

Mr. BOWYER explained that he had not asserted that the question of the validity of these marriages came within the jurisdiction of a temporal court. He was aware that such matters were exclusively confined to the spiritual courts; but what he did say was, the question of the legality of the marriage might come before a temporal court in trying the question of the legitimacy of the issue.

Mr. SPOONER said, he confessed he rose on this occasion with considerable difficulty to address the House, because he felt himself compelled to differ from many of his friends around him, whose opinions he held in great respect, and to whose judgment he was always willing to submit when he conscientiously could do so. But he had always supported an alteration of this law—not exactly such as was proposed by the hon. Member for North Lancashire, nor upon all the grounds urged by that hon. Member—but such as had been proposed in 1850. He should certainly vote for the first reading of the Bill, without pledging himself to all its details. He was not going to enter into the legal arguments used by the hon. and learned Member who had just addressed the House, but merely to allude to an observation that was made by that hon. and learned Gentleman. It was assumed by that hon. and learned Member—an assumption which he was sure the Member for North Lancashire would not admit—that the great majority of the country was against him, and that he was merely advocating the cause of the minority. The hon. and learned Gentleman said, what misery would they inflict upon families—what social intercourse would be broken up by effecting such a change in the law as was proposed; and the hon. and learned Gentleman drew a doleful picture of what might by the consequences to the higher and more civilised grades of society. Now, he (Mr. Spooner) admitted that there was a feeling amongst the higher classes against this Bill, and it was with pain and difficulty he felt himself constrained to act against those opinions. He could not, however, but yield to what he thought was his conscientious duty. He believed that the law as it stands has a most demoralising influence upon the middle and lower classes of society. He admitted that this was not a proper place to enter upon a theological argument. He was never willing to enter upon such unless he was forced to it; but if a law exists which is alleged to be against the law of God, which he believed this to be, the strongest reasons that could be given for the repeal of such law must be drawn from a consideration of theological subjects. He believed that the law as it now stands is decidedly against the law of God, and he had certainly very high authority on the subject. He would take the verse in Leviticus, which the hon. and learned Member for Dundalk seemed to think had nothing to do with the question, as one ground upon which he formed his opinion that the restriction now imposed by law is against the law of God. Now, what is the verse to which allusion was made? "Neither shalt thou take a wife to her sister to vex her . . . . . during her life." Now, what is the only construction that could be put upon that? Why, that after she was gone the husband had a perfect right to marry a sister of his deceased wife. It was a matter beyond all doubt, and he could not conceive any other conclusion at which they could arrive. He knew that some nice distinctions had been taken upon this question, and they were told that it was not meant to apply to a marriage between a man and his deceased wife's sister, but intended to prohibit polygamy. Why, polygamy was not forbidden at that time; on the contrary, it was allowed.

MR. WALPOLE: It was not allowed.

MR. SPOONER said, he was sorry that his right hon. Friend had not turned his attention to the subject, and informed himself upon the point. Our Saviour says—"It was not so from the beginning, but Moses, from the hardness of your hearts, suffered it to be."

MR. WALPOLE: that applies only to divorce exclusively.

MR. SPOONER denied that it applied only to divorce. In the Book of Deuteronomy there were instructions to the husband who had married two wives as to how he was to conduct himself towards them—that he was not to show favour to the one and neglect to the other. And it goes further to show how the inheritance was to be disposed of between the families arising from the two marriages. In the face of such facts, to tell him (Mr. Spooner) that polygamy was not allowed, proved that his right hon. Friend had not looked well into the subject. The House could not, therefore, put the construction upon the text—that it was directed against polygamy. He contended that no other construction could be put upon it than that after the decease of the wife the husband might take in marriage her sister. What did Archbishop Whately say upon the point? He said this—

> "As no real and strong case has been made out of the important advantage to the public arising from such restriction, I take my stand upon the broad ground, and the general principle, that every restriction of the kind is an evil in itself. The proof lay with the advocates for restriction to show its necessity."

He (Mr. Spooner) agreed in that doctrine; that unless they could prove that this restriction in respect to marriage was commanded by the Holy Word of God, they had no business to legislate in favour of such restriction. There was, no doubt, a great prejudice against the proposed change amongst the higher classes; but he thought that their fears on the subject were greatly exaggerated. He thought that if the restriction were removed their prejudices would be very soon removed also. But he knew the effect of the law upon the labouring classes of this country. He did not hesitate to say that there was no more fertile cause of demoralisation than the existing law amongst the middle and lower classes of society. They had been told that after all there were very few of such marriages. There were, in fact, more than they were aware of. In large parishes persons went to the clergyman, who had not the means of inquiring whether the parties were within the prohibited degrees of relationship, and were married. In the registry there was nothing whatever to show that they were guilty of a breach of the law. Dr. Hook, a rev. clergyman who was held in great respect, was at one time of his life averse to this alteration in the law, but having seen how badly it worked amongst the labouring population, he was now an advocate for the change. The petition presented that night by the hon. Member for North Lancashire was signed by the rectors and incumbents of the largest parishes, because they were witnesses of the demoralising effects of the law. In the manufacturing districts how did it operate? A man, for example, was set up in trade and lived comfortably, with a small business; he had his house well furnished, and one or two children. Well, then, it pleased Providence to remove his wife, and he had not the means of paying for a governess or other person to take care of his children. Whom does he naturally look to but to the sister of his deceased wife as the best guardian of his children? Did the House think it probable that those parties could continue to live together, joining in all their meals, and in the care and education of the children, without either contracting such a hatred as to cause a separation, or such an affection for each other as to induce them to seek for marriage? Parties were married in the way he had stated, and many of them knew not that they were really violating the law. Well, what misery might be the result? The parties perhaps in a short time quarrelled, and the husband finding it out that they were illegally married, he deserts the wife, leaving her to take care of herself; and the children become illegitimate. Now there were many such cases to be found as he had just described. He submitted that they were not justified in keeping up such a restriction unless it could be proved that it was in accordance with the law of God. What had Parliament done in 1835? Not merely a Resolution of this House, but an Act was passed, many of the Bishops assenting, which declared that all such marriages as had taken place should be considered legal. Now would the bench of Bishops have been a party to such a Resolution if they thought it was contrary to the Word of God? He warned the House not to reject this measure, but rather to enter into a full investigation of the subject. He believed that they would be doing more mischief by rejecting this Bill than by any other step they could possibly devise. It is said the law is settled, but let them consider the doubt that was hanging over such marriage, if even solemnised in a country where it was legal. Let one who was able go abroad and contract a marriage of that kind, and come back, and then try to escape the doubt which hung over such a marriage—a marriage that was open to be questioned on the ground that they had gone abroad to avoid the law of this country, and had returned without ever obtaining a domicile in the foreign country. Then followed disputes about the property. The law was not settled, and never would be settled until they put an end to this restriction, which he believed to be contrary to the law of God. The question of the clergy and of our canons was alluded to. The clergy were not bound to subscribe at ordination to any canons which had reference to this subject of marriage, but as many of them might entertain conscientious scruples as to solemnising marriages between parties within the prohibited degrees—which, when they were ordained, the law did not permit them to do, but if the law was altered, as contemplated by the Bill, they might be compelled to do—such clergy ought to be protected and left to the conscientious discharge of their duties; and should not be subjected to pains and penalties in respect to the celebration of such marriages. With regard to the marriage of the niece of the deceased wife, he wished to guard himself against being supposed to have consented to that alteration. He grounded his claim for the removal of the restrictions against the marriage with a deceased wife's sister on the fact of there being an express permission given in the Book of Exodus to such a marriage. He differed also as to exempting Scotland from the operation of the Bill. If they had no right to impose such a restriction in England, neither had they a right to impose it in Scotland. He hoped that the House would allow the Bill to be read a first time, with a view to giving the whole subject a fair consideration.

Mr. DRUMMOND said, that the object of the hon. Member who had just sat down was, as he (Mr. Drummond) heard him, to inculcate and promote private morality; and he set about his task by advising the House to set the law of God at defiance. The hon. Gentleman went on to say that there was a vast majority of the people in favour of his views. So that the question of settling an important principle was to be decided by counting noses. This was not an argument usually employed; for every single sect, however small, was in the habit of saying to itself, "Fear not, little flock; it is thy Father's good pleasure to give thee the kingdom;" and except from the hon. Gentleman, he had never heard that the multitude of those who agreed to it was to be taken as the test of a theological proposition. But it was not to answer the arguments of the hon. Member for Warwickshire that he rose. The hon. Member who opened the discussion stated the true history of this question. There never was a doubt on the mind of the Church as to the true meaning of the passages upon the subject which had been quoted from Scripture. So said an hon. Member. It was very true that from the third to the fifth century for the first time the question of dispensation began to be raised, and the Pope prohibited as much as he could. In so doing the Pope had acted most wisely, for the more he prohibited the more grist was brought to his mill in the shape of money for dispensations. "But," said an hon. and learned Gentleman, who ought to know better, "the Church," by which he meant the Papacy, "never dared to say a word against that which it believed to be the Word of God." The hon. and learned Gentleman must, however, know that the law of his Church, as described by a great authority, was *papa potest legem Dei mutare.* The hon. and learned Gentleman should also recollect that there was another passage from the same writings, in which it was clearly stated that the Pope could make *vitia* those things which other people supposed to be *virtutes*—and *virtutes* what other people supposed to be *vitia.* It was notorious that the prohibition against these marriages had been set aside in every direction. Had they never read the history of Spain? Had they never read of the Kings of Spain marrying their own nieces? Why, almost the whole of their history, especially after the arrival of the Bourbons in the country, had been one continued history of incest, for which they had paid enormous sums to obtain dispensations. The reason that permission was given to the Jew to marry his brother's wife was, that under the Mosaic economy the land was divided into twelve portions, and no person who belonged to one tribe could acquire land that belonged to another tribe. They were obliged to keep the land in the possession of the tribe to which it pertained; and it was to preserve the succession in that tribe that a man was bound to marry his deceased brother's wife. The hon. Member who had last addressed the House, instead of arguing as he had done—why did he not get rid of the prohibited degrees, and marry his grandmother like a man?—or his niece, for perhaps his niece would be much better worth marrying than his grandmother; that is, if you mean to set aside the Word of God as a thing that is utterly unworthy and contemptible in your new code of morality. Then let him act like a man, and not stand snivelling there between the canting Methodist on the one hand and the honest old infidel on the other.

MR. J. BALL begged to remind the hon. Member (Mr. Drummond) that the quotation he had made in support of the power of the Pope came from that eminent writer Cardinal Bellarmine, and that when it was sought to canonise that individual the very text which the hon. Member quoted was produced against him as erroneous doctrine, and on the ground of that text the canonisation was refused.

MR. DRUMMOND: That is all perfectly true, and the very next year it was altered in this way—*papa non potest legem Dei mutare nisi cum causa.*

ADMIRAL WALCOTT said, he viewed with regret the renewal of the Motion now brought upon the attention of the House. To pass the measure into law would, in his opinion, unhinge society. He was well aware of the deductions drawn by its supporters from the practice, law, and opinions of other countries, but he could not believe that the introduction of the code of morality of other countries would conduce to the happiness, the sweet confidence, and the sanctity of that which we in England called by the word "home." He held that this Bill, if carried, would produce the greatest social miseries. He believed the Word of God was against such marriages, and that with the abolition of polygamy, the new system of equality was established between the sexes. He should therefore oppose the Bill.

VISCOUNT PALMERSTON: Sir, I wish to state that, having paid great attention to this debate, I shall certainly give my vote in favour of the introduction of the measure. I think that this is not a question of the law of God. I hold that Parliament settled that question by the Act of 1835; for of course it can never be supposed that Parliament would have legalised all marriages which up to that period had been proscribed, if Parliament had been of opinion that there was such a fundamental objection to those marriages. It certainly appears to me that this case is one to which you may apply the quotation, *Nil prosunt leges sine moribus*—that is to say, that laws are of no avail if the moral feeling of the country does not go in unison with the law. Now, it seems to be established and admitted that the moral feeling of the community at large is not with this law—that the law, in fact, is not obeyed, and that a great number of persons, not conceiving themselves to commit any moral offence, do contract these marriages, although they are prohibited by law. That is not a state of things which ought to exist, and, not being of opinion that there is any moral objection to the contracting of these marriages, and, believing that the law as it stands is the cause of a great deal of misery and social evil, especially among the middle and lower classes of the community, I shall with great pleasure give my vote for the Motion.

Mr. WALPOLE: I protest against the assertion of the noble Lord—this is the first time that I ever heard of a person—especially of a person in the noble Viscount's position—express the opinion that an Act of Parliament can determine what is the law of God.

Viscount PALMERSTON: I did not say that an Act of Parliament can determine what is the law of God. What I said was, that it was clear that Parliament did not conceive it to be a question of the law of God.

Mr. WALPOLE: Then, understanding now what the noble Viscount says, will he allow me to set him right on the second point—with reference to what the Act of Parliament intended to do? The Act of Parliament made no declaration of the kind. It simply said that the marriages that had been contracted should not be avoided in the parties' lifetime; in other words, all it said was, that such marriages should be placed on the same footing that marriages celebrated before that Act were placed on, if either of the parties were dead. That is exactly what the Act did, and it did it for this purpose—conceiving that there had, up to that time, been a difference of opinion as to the execution of the law, it said that children should not be illegitimatised in consequence of those marriages, when the Legislature itself was, for the first time, dealing with the question in that particular point of view. It had been always considered and stated by the highest authorities of the law in the other House of Parliament that, instead of the Act recognising what the law of God was in this particular, it left it open to the ecclesiastical courts of this country to punish the parties by ecclesiastical censures with reference to such marriages, although it legitimatised the children; and it did not go one inch, I believe, beyond that point. Then the noble Viscount gives as the second reason for which he supports the introduction of the Bill—I hope he will not support it in its further stages—the old maxim, *Nil prosunt leges sine moribus;* that the law is disobeyed, and you cannot enforce it, and that, therefore, being inconsistent with the feeling of the country, you can no longer maintain the law. Will the noble Viscount consider the consequences of such an argument as that? Will he bear in mind that, according to the Report of the Commissioners upon this subject, there were marriages on marriages consummated contrary to the law, marriages between brothers and brothers' widows, marriages with a mother and daughter in succession, and marriages, I am sorry to say, which led to even more incestuous intercourse than these? If once we admit the doctrine that persons having violated the law of the land—which I believe in this instance, also, to be the law of God—is a sufficient reason for altering the law, I see nothing whatever that is to keep the bonds of society together. I could not refrain from entering my protest against such a doctrine; and I would urge upon the noble Viscount not to pursue this subject further. I would implore him to consider what effect it will have upon the country if this question of marriage—a most solemn, a most sacred, a most interesting question to the whole community—should be constantly ventilated in Parliament and agitated out of doors—contrary to the feelings, as is admitted by the hon. Member who brings forward this Bill, of the people of Scotland; so much so, indeed, that he will not venture to include that part of the country within its provisions—contrary, as was shown by my hon. and learned Friend (Sir F. Thesiger), to the general feeling of the people in Ireland; and contrary, I am convinced, to the feelings of a large, if not by far the largest, portion of the people of this country. By such a change you are introducing a state of society totally different from that which we now enjoy, where the sister of the wife can live with the husband of her sister in perfect innocence, and with all that familiarity which constitutes the charm of domestic life; and you are imposing upon the husband restraints which are not now necessary, because there is a moral barrier which prevents the rising of a criminal thought within his breast. And when you talk of the guardianship which the children are afterwards to enjoy—when you say that the sister in a married state would be the best guardian for the children, just consider for a moment whether the married woman may not become an infinitely worse guardian than the unmarried aunt who now protects the children of her sister as against claims of the children of a subsequent marriage who might interfere with their interests. All this may be destroyed in an unlucky moment—yes, I say in an unlucky moment, merely because the inclinations of a certain set of people have unfortunately inclined them to violate the law; and I must also add, because paid emissaries have been sent up and down the country to collect partial, imperfect, inaccurate information, by means of which the law of the land and the law of God are both at the same time to be violated.

MR. G. H. MOORE said, the hon. and learned Member for Dundalk (Mr. Bowyer) had observed that this was a Catholic question and a Catholic grievance. Now, he begged to state, in the name of his Catholic fellow-countrymen, that throughout Ireland there existed among the whole Catholic population, high and low, rich and poor, clergy and laity, the deepest horror and scorn for the proposition made to the House to-night.

MR. COBDEN said, he had heard this subject discussed very often in the House, and it appeared to him that the weight of argument was conclusively, and almost exclusively, on one side. But to-night he thought that the opponents of the measure had allowed their case to go by default altogether, because the hon. and learned Gentleman opposite (Sir F. Thesiger) gave up the only strong ground on which the law had been defended on former occasions —namely, the 18th of Leviticus. But in 1850 the hon. and learned Gentleman and others relied almost exclusively on that authority, and in abandoning it, therefore, the opposition to this Bill had lost ground to-night immeasurably. He did not understand the noble Lord (Viscount Palmerston) to say, as the right hon. Gentleman seemed to understand him, that because this law was disregarded out of doors, it ought to be repealed. What he understood the noble Lord to mean was that public opinion did not support the law, because those who infringed it retained their status in society. Public opinion sanctioned the evasion—for it was not the violation—of the law, and therefore it must be inferred that they considered there was nothing immoral in these marriages. He knew of his own personal knowledge individuals who held a respectable position in society, and who from the purest motives went to Germany to be married to their deceased wives' sister, and they returned to this country without suffering in the estimation of their friends and neighbours. But it must not, therefore, be implied that public opinion would sanction the evasion or violation of other laws respecting marriage. Could it be said that if persons had married their niece by blood, or their still nearer relatives, they could return without losing cast in respectable society? The right hon. Gentleman therefore begged the whole question when he imported cases of incestuous marriage into it. Let them deal with the case as it stood. The argument of the right hon. Gentleman, that such an Act as was now proposed to be brought forward would affect the innocent intimacy at present existing between the husband and his wife's sister, quite failed; for it argued a want of purity in domestic life, if it required any such law to prevent dissolute practices in connection with a wife's sister. The argument of the right hon. Gentleman would go to this length, that the wife was to have no female acquaintance at all because at a future time she might become the wife of her husband. He believed that such a view of things was a slander on domestic life in England.

After a few words from MR. HEYWOOD in reply,

Question put, "That leave be given to bring in a Bill to amend the Law as to Marriage with a deceased wife's sister or a deceased wife's niece."

The House *divided*:—Ayes 87; Noes 53: Majority 34.

List of the AYES.

Acton, J.
Adair, H. E.
Bailey, C.
Baines, rt. hon. M. T.
Ball, J.
Barnes, T.
Bell, J.
Biggs, W.
Bland, L. H.
Bonham-Carter, J.
Booker, T. W.
Bright, J.
Brotherton, J.
Brown, W.
Butler, C. S.
Chambers, T.
Cobden, R.
Cockburn, Sir A. J. E.
Craufurd, E. H. J.
Crossley, F.
Davies, J. L.
Dillwyn, L. L.
Drumlanrig, Visct.
Duke, Sir J.
Evelyn, W. J.
Fagan, W.
Fenwick, H.
Ferguson, Sir R.
Filmer, Sir E.
FitzGerald, J. D.
Forster, C.
Forster, J.
Frewen, C. H.
Grosvenor, Earl
Hayter, rt. hon. W. G.
Heathcoat, J.
Heyworth, L.
Horsman, rt. hon. E.
Hudson, G.
Ingham, R.
Jackson, W.
Johnstone, J.

Kirk, W.
Layard, A. H.
Lee, W.
Lindsay, W. S.
MacGregor, J.
Mangles, R. D.
Massey, W. N.
Milligan, R.
Mills, T.
Michell, W.
Molesworth, rt. hn. Sir W.
Mowatt, F.
Mulgrave, Earl of
Muntz, G. F.
Oliveira, B.
Palmerston, Visct.
Peacocke, G. M. W.
Pellatt, A.
Percy, hon. J. W.
Phillimore, J. G.
Pollard-Urquhart, W.
Reed, J. H.
Rice, E. R.
Robertson, P. F.
Sandars, G.
Scholefield, W.
Scobell, Capt.
Scully, F.
Seymour, H. D.
Seymour, W. D.
Smith, J. B.
Spooner, R.
Stanley, Lord
Steel, J.
Strickland, Sir G.
Thornely, T.
Tollemache, J.
Villiers, rt. hon. C. P.
Walmsley, Sir J.
Wilkinson, W. A.
Willcox, B. M.
Williams, W.
Wrightson, W. B.

TELLERS.

Heywood, J.
Ball, E.

List of the NOES.

Acland, Sir T. D.
Baillie, H. J.
Berkeley, C. L. G.
Blackburn, P.
Blandford, Marq. of
Bramley-Moore, J.
Cubitt, Ald.
Disraeli, rt. hon. B.
Duckworth, Sir J. T. B.
Duncan, G.
Dunlop, A. M.
Dunne, Col.
East, Sir J. B.
Fergus, J.
Freestun, Col.
Fuller, A. E.
Gladstone, rt. hon. W.
Gordon, hon. A.
Goulburn, rt. hon. H.
Greville, Col. F.
Guinness, R. S.
Hanmer, Sir J.
Hastie, Arch.
Heathcote, Sir W.
Heneage, G. H. W.
Hildyard, R. C.
Hotham, Lord
Irton, S.
Kinnaird, hon. A. F.
Laffan, R. M.
Langton, H. G.
Lockhart, A. E.
Lockhart, W.
Macartney, G.
Malins, R.
Moncreiff, J.
Montgomery, Sir G.
Moore, G. H.
Mowbray, J. R.
Norreys, Sir D. J.
O'Brien, P.
Packe, C. W.
Philipps, J. H.
Portal, M.
Shirley, E. P.
Smith, W. M.
Taylor, Col.
Vansittart, G. H.
Walcott, Adm.
Walpole, rt. hon. S. H.
Wigram, L. T.
Wise, A.
Wynne, W. W. E.

TELLERS.

Thesiger, Sir F.
Drummond, H.

Bill *ordered* to be brought in by Mr. HEYWOOD and Mr. HEADLAM.

EDUCATION OF PAUPER CHILDREN (IRELAND).

MR. J. BALL rose to submit the Resolution of which he had given notice to the House, "That it is expedient that more effectual means should be adopted to improve the Education of Pauper Children in Ireland." The hon. and learned Gentleman said that, although the subject which he had to bring under the notice of the House might not be so interesting as that which had just engaged its attention, yet it was one which was deserving of careful consideration, inasmuch as it involved the interests and welfare, both in this world and in the next, of a large and helpless portion of the population, whose characters and future dispositions in life would mainly depend upon the training they received under the guardianship of the State. He found from returns in his possession that in 1853 the average population of the workhouses in Ireland was 150,000, of whom more than one-half were children under fifteen years of age, and of these again not less than 41,000 were orphans and deserted children, whose parents had died or abandoned them in the midst of the dreadful catastrophe which had befallen Ireland some time back. Their number had no doubt somewhat diminished since 1853; but there certainly could not be less than 30,000 of this helpless class of children at present deriving support and instruction from the State. It remained for the Legislature and the Administration to make adequate provision to give these unfortunates a suitable education, which was their only hope of becoming useful members of society. With regard to other classes there may be room for choice; we may rely upon other agencies, but here there can be no doubt that we are in the fullest sense responsible for those whom we have determined to place in public institutions under the sole protection of the law. There were three classes of evidence as to the existing state of education to which he could refer—the reports of Poor Law inspectors, those of officers engaged in the administration of the criminal law, and a special report on the subject, made to the Commissioners of Education in Ireland, by Mr. Cavanagh, one of their most active and experienced officers. That report was more unfavourable to the state of education in the workhouses than any other document with which he was acquainted, though he was bound to say he believed its statements and views to be in some respects exaggerated. The first point to which he wished to call the attention of the House was the inefficiency of the workhouse teachers. Out of 359 workhouse teachers but fifteen were included in the first of the three classes into which the National Board of Education had divided the schoolmasters of Ireland; but fifty-two were even second-class teachers, and the remainder were either in the third class, or classed as mere probationers. Only 113 had gone through a training sufficient to fit them for their duties. This was a lamentable state of things, when it was considered that the children in the workhouses were wholly dependent for instruction and education upon the tuition they received from the schoolmaster. He believed that the cause of this state of things was the ill-judged parsimony of the boards of guardians by whom the teachers were appointed. On an average these officers did not receive more than 23*l.*, nor the schoolmistresses more than 20*l.* a year, with rations such as were given to the lower officials connected with the poor law unions. It was not to be expected that able and well-qualified men could be found to undertake these onerous and important duties at such a rate of remuneration. To show still more conclusively the parsimonious spirit by which the administration of the poor law unions was conducted on this point, he might state that the average sum spent on each child in the workhouses per head per annum was only 5*s.* 8*d.* The boards of guardians had the selection and payment of these teachers, and if they were niggardly they could quote in their excuse the invectives which were constantly being launched by hon. Members in that House at every item of expenditure in the administration of the Irish Poor Law which did not relate to the absolute feeding of the paupers. He could not too strongly protest against the clamour on this subject, founded, as it seemed, on the idea that men were to live by bread alone. It was quite vain to expect that we could have better teachers unless the teachers were better paid, and no less idle to think that the education of these children could be improved unless a better class of teachers were provided; and with a little liberality all this could be easily done. It would not be necessary to pay them on quite the same scale as in England, because competent persons could be procured at a lower rate in Ireland. Another important deficiency in the Irish workhouses was the absence of separate departments for the care and tuition of the infants; and a still more serious evil arose from the want of any means of keeping the children apart from the adults in the workhouse. It was impossible to overestimate the evil consequences which arose from this circumstance. But however good might be the literary instruction given to these children, it would not be sufficient to secure their being good and efficient labourers in future unless these schools were made, much more than at present, places of industrial education. He now came to the subject of the religious instruction given in the workhouses of Ireland. He feared that there was too much disposition in the boards of guardians to use their power to promote their own sectarian views. In Ulster, where the majority of the upper classes were Protestants, there were thirteen unions where there was not a single Roman Catholic officer in the service of the guardians, although the population were principally Roman Catholic. In one case there was not a single Protestant pauper in the workhouse, and yet the board of guardians thought themselves justified in refusing to appoint a Roman Catholic officer, and in placing a Protestant teacher over the children. On the other hand, he did not mean to deny that the Roman Catholic majority in other boards of guardians sometimes abused their supremacy in a similar way by unfairly excluding Protestant officers; though as there were few or no Protestants in the workhouses in these parts the same injustice was not inflicted in this case. Seeing that the law prevented any attempts to proselytise, he thought that these proceedings were simply the assertion of an unfortunate spirit of bigotry, which had the worst results, particularly when it was applied to the selection of schoolteachers to be placed over children who are cut off from every other mode of instilling religious and moral truth. The teacher prohibited from instilling his own convictions, is compelled to be silent on topics which essentially affect the very foundations of education. Another very serious point was the extent to which children passed between the workhouses and the gaols in consequence of the great number of convictions which took place for what were called "workhouse offences," such as breaking windows, tearing their clothes, &c. He thought that children should not be sent to gaol and exposed to the contamination of the associates they met there for offences of so trivial a character. At any rate, there could be no doubt that this circumstance was an extensive source of demoralisation, not merely as regarded the children who were actually sent to gaol, but also as to those with whom they mixed on their return to the workhouses after serving their period of punishment. Among the evils of the present system was another of the same nature which was rapidly increasing, and was very threatening in its nature, namely, the practice of committing destitute children charged with the most trivial offences to gaol instead of to the workhouse. When sent to the workhouse the charge for their maintenance would fall upon a small locality; whereas, when committed to gaol, the charge for their maintenance would be spread over a large district. Notwithstanding all this, he must, however, say that he believed that the state of education in the workhouses of Ireland was better than in the majority of the English establishments. After entering into some details with respect to the management of the North of Dublin Union, where the schools had greatly advanced under the fostering care of a gentleman, Mr. Lindsay, who had been chairman of the board of guardians, and where a mischievous system of separation on sectarian grounds had been established since the removal of that gentleman from his office, in order to show that the education of the children in the workhouses should not be allowed to depend upon the varying votes of fluctuating bodies like the elected boards of guardians, the hon. Gentleman proceeded to dwell upon the importance of establishing reformatory institutions for youthful criminals in Ireland. On this point he might refer to the great success which had attended the institution established at Philadelphia. This was established not for the punishment of criminals, but to restrain and guide those who were likely to fall into crime. In that institution the training was industrial, and the treatment pursued that of kindness. It had proved highly efficient in promoting the object for which it was founded, and by a judicious system of management the annual cost of each of the 230 boys who were its inmates was reduced to 12*l.* per head. The 230 boys earned about 1,500*l.*, and the annual expenditure amounted to about 6,000*l.* The great establishment of St. Michele, at Rome, which contained 500 orphan children, had been attended with similar success. He purposely alluded to that remarkable institution, because it was the only one of the kind in which instruction in art was regularly given to all the pupils. As there was undoubtedly a remarkable aptitude among the youth of Ireland for what might be called the secondary arts, such as carving on wood and stone, he thought a great deal of good might be done by some infusion of the artistic element in the education imparted to pauper children of Ireland. Summing up the various suggestions which he had made, he urged the necessity of increasing the salaries of the teachers in workhouse schools. They could not compel the local guardians to do much in that way; but justice required that the Government should extend to Ireland the same provision which was made in England; and he thought it would be most desirable, that of the sum thus applied a small portion should be reserved for the purpose of paying "monitors." Upon a rough calculation he thought he could not ask for less than about 10*s.* per head as a grant for the education of pauper children in Ireland, or a maximum of 20,000*l.*, a much smaller sum than was annually expended for the same purpose in England, but which would in a great measure satisfy the claims of the sister country. The only objection he had heard to his proposition was, that the annual allowance for the teaching of pauper children in England were part of the settlement proposed by Sir Robert Peel in 1846, when a portion of the expense of the constabulary force in Ireland was taken upon the Consolidated Fund. It was true that Sir Robert Peel brought forward those two measures at the same time, but there was no connection whatever between them. The constabulary force was a portion of the standing army in Ireland, and it was altogether a misconception to imagine that a reference to the proceedings in 1846 was a sufficient answer to his argument as to the justice, expediency, and necessity of improved measures for the education of pauper children in the sister island. Hitherto it had been said that, in England, the poorer the district the poorer the school, the more the wealth the more the education. He now called upon them to reverse the rule, or at least to extend to the poorer districts of Ireland those advantages which they conceded even to the most wealthy districts in England. Since the measure of 1846, with respect to the constabulary force, the local taxation of Ireland had been greatly increased. The poor rate alone rapidly rose from about 400,000*l.* in that year to upwards of 2,000,000*l.*, and even now, with all the reductions which had taken place, it was more than 1,000,000*l.* As one who had incurred some obloquy by supporting measures for equalising the taxation of the two countries, he was entitled to ask for an equal share in the produce of those taxes. They had in the workhouses of Ireland the materials of

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future armies, and what would fill up the gaps created in the agricultural population. It rested with them to secure that so great a resource shall be made available for the benefit of the entire Empire; and under these circumstances he trusted they would not refuse the small boon which he now craved at their hands.

Mr. BOWYER seconded the Motion.

Motion made, and Question proposed, "That it is expedient that more effectual means should be adopted to improve the Education of Pauper Children in Ireland."

Mr. KENNEDY said, he must complain of the inadequate salaries given to the teachers in the national schools. There were in Ireland 5,383 male and female teachers; the salaries of male teachers varied in amount according to the class in which they were placed, from 11*l.* to 36*l.* a year; assistant male teachers from 11*l.* to 15*l.* Female teachers received from 8*l.* to 25*l.* a year, or considerably less than the wages earned by a day labourer. In England, in eighteen districts, the salaries of teachers ranged from 60*l.* to 132*l.* One effect was, that for every two teachers who entered the national schools the Government had to educate three. Nearly 40 per cent abandoned the institution the moment they had passed their examination, and came over to England, where they received four times as much as they would have obtained in Ireland. The absence of complaint from the Irish teachers was owing to an order issued by the Board of Education in 1850, that any schoolmaster who should communicate with the newspapers, or in any other shape make a public representation relative to his condition, would be liable to be dismissed from his office. It appeared from the Estimates of last year, that no less a sum than 1,353,000*l.* was voted for the purposes of law and order in Ireland. A large portion of that sum was devoted to the maintenance of the constabulary force. The amount voted for educational purposes was only 193,000*l.*, although it was admitted on all sides that properly educated men were the best police that any country could possess. He trusted the Government would consent, as one means of improving the quality of education in Ireland, as well as an act of justice to a meritorious class of public servants, to raise the salaries of the teachers in the national schools.

Mr. HORSMAN said, he agreed with both the hon. Gentlemen who had spoken, that no Motion could have been brought forward of more importance or interest, and more deserving of attention. He should have regretted to have been opposed to two Gentlemen who were both so well entitled to be heard on this question; but he had not heard one principle stated by either of them in which he did not entirely concur. He regretted with them that so large a portion of the youthful population of Ireland should be in the workhouses, and dependent for their education on the instruction there imparted; and he deplored the low salaries which were given to the teachers, and in the desire that a sufficient remedy should be found he fully concurred. He could assure hon. Gentlemen that it was a subject which the Government was ready to consider, and in which they felt an interest not less than he did. But let the House look to the position in which Parliament and the country were placed on this question. The system was undoubtedly deficient at first; but what had made it so? He had a higher authority than his own for saying, that while the law required the formation of schools in the workhouses, they were rendered inefficient by the want of completeness in the provisions made by the law, which did not provide for a proper system of inspection. The original defect of the law was, that it established schools and teachers, but took no care for anything beyond that; and in order to effect any good there must be a change in the law, which would give such power to the local guardians as would enable them by their own agency to remedy the defects which were caused by the law as it now stood. It was admitted that there had been a great improvement in the system, which was owing in a great measure to the conduct and character of the guardians themselves. During the period of the famine, and when pauperism and rates were at the highest point, a great deal could not be expected from the poor law guardians; but since that pressure had been removed they had made very creditable efforts to improve the system of instruction in the workhouses. It appeared by the Report of the Education Commissioners that there had been such an improvement; and they stated their gratification at finding an augmentation in the number of agricultural schools in the workhouses in the year 1853. There were in that year fifty of these schools, being an increase of twenty-seven on the previous year, and they attributed that increase to the influence of the

Poor Law Commissioners, and the exertion of the local guardians, who showed an increased conviction of their importance; and they expressed their belief that it was not only an improvement on the past, but held out a hope of still greater progress for the future. That improvement had taken place under a very defective law, and that many deficiencies had been somewhat removed was owing to the meritorious efforts of the guardians. Speaking of the Board of National Education, of the Poor Law Commissioners, and the poor law guardians, it might safely be asserted of them that they all seemed to recognise the advantages of industrial teaching among the pauper population, and were combining their efforts for the advancement of that laudable object. His hon. Friend having stated the facts, came to the remedy, and spoke of a Parliamentary grant to be applied in the same manner as was done in England. But there were at present some difficulties in the way in the shape of the want of means for separating the youthful from the adult population in the workhouses, and preventing those evils which must arise from their coming in contact with many of the lowest and most dissolute of the population; and he should besides say that it would be rather premature to call Parliament to grant funds for carrying out a system like that adopted in England, which was itself still one of experiment only. There was no disposition on the part of the Government to make this a question of pounds, shillings, and pence, if it could be shown that a great national interest was involved, and that what it was desirable should be achieved could be achieved by means of a Parliamentary grant. The test of the expediency of a Parliamentary grant was the attainment of some great national purpose, which could only be achieved by the Government, and which could not be established by any other means; and that consideration only would justify the calling on the Government for such a grant. That principle had been adopted in the instance of the Board of National Education in Ireland. But care should be taken by the Government not to interfere with objects which could be better carried out by individual and local enterprise; and he thought that in Ireland, where a new era and a new state of things had arisen, and where every one seemed to be roused and inclined to effect, by their own efforts, improvements of all kinds, it would not be advisable to call on the Government for pecuniary aid, and it would be very unwise for Government to listen to such a proposition. There was one statement of his hon. Friend the Member for Carlow (Mr. J. Ball) which he had heard with pain, and that was, that in many places in Ireland the education of the children had been carried on in a sectarian spirit, and that religious differences between the poor in the workhouses and the local authorities had interfered with the improvements in the education which were to be desired. There were some things which the Government could, and some which they could not do, and this was a matter in which they could effect nothing. But he believed that that spirit of religious antagonism had much abated, and if it did remain, it was only one consequence of a bad system, which must for a time survive the system itself; and, looking to the happy change which had taken place now in the tone of discussion on Irish questions in that House, he thought he was justified in saying that it was only a reflection of a greater change which had taken place in Ireland, and the beneficial effects of which would be felt hereafter. He felt that with regard to the question of religious differences and industrial education there was a better spirit prevailing among all classes in Ireland, and while that spirit actuated the people of Ireland in the performance of their duties, he felt that the condition and prospects of that country would be much better dealt with without the Government being asked for aid to advance her moral and physical position. He believed that these improvements might be safely left in the hands of the Irish people themselves, and he was certain that industrial education would, among other improvements, be greatly increased. The duty of the Government would be to strengthen any right system which should be adopted, and to remove, as far as they could, all difficulties in its way. So far from regretting that his hon. Friend had brought forward this subject, he was convinced that his doing so would be of great service. It would be painful to him if the matter was pressed to a division, as it might be made untruly to appear that the Government was hostile to the general views of his hon. Friend, and he thought there was no such difference between them as to induce him to go to a division, and he hoped he would be satisfied with the feeling which had been exhibited on the part of every one to do justice to the objects he had in view.

MR. ROCHE said, he must express his dissent from one opinion of his right hon. Friend, namely, that there was no means of separating the youthful paupers from adults, and that the latter were among the most dissolute of the population, for he (Mr. Roche) had himself had experience to the contrary. He also did not wish it to be supposed that the poor law in Ireland was merely an experiment, but he hoped it would be as permanent as the National Board of Education, which had been productive of so much benefit to Ireland. He was sorry to say, that the physical position of the people was below the standard of the education that was open to them; but he did not wish to mix up the question of national education with that of poor law management; when it was admitted by the Government that there was a remedy for many of the evils complained of by bringing up youthful paupers under a system of industrial education, the Government ought not to leave the promotion of that education only to the guardians, and if a grant was applied for for this purpose it ought not to be refused. The guardians ought not in this respect to be substituted for the Government, when the latter had assented to the necessity for a remedy, when it was found that what was asked for that purpose was right in principle.

MR. HORSMAN explained that he did not say that the poor law system in Ireland was an experiment, but that the system of industrial education in workhouses was. Nor did he go to the length of saying that all the adult paupers in workhouses were the most dissolute of the population.

MR. SEYMOUR FITZGERALD said, that while he was gratified at hearing the right hon. Gentleman's statement with reference to the improving prospects of Ireland, there was something not quite satisfactory to Irish Members in his speech, for he admitted that evils did exist, but suggested no remedy. A more unsatisfactory speech, dealing in generalities, and calculated, if possible, to delude Irish Members with "soft sawder," he never listened to. Government should take their share of the expense, and double the salaries of schoolmasters in the workhouses, and so improve that education which was deficient. He (Mr. Fitzgerald) the other day was in an Irish workhouse, where a number of boys were called up, and asked about the Isthmus of Perekop and the Putrid Sea, and other geographical questions, which they were able to answer; but that was not the education it was desirable to promote—it should be a practical system of education that might be useful to them as men. The salaries of workhouse schoolmasters in Ireland were wholly paid out of the poor rate; in England they were partly paid by the Government. As it was an experiment, industrial education should be conducted partly at the Government expense.

MR. O'BRIEN observed, that allusion had been made to the religious element in Ireland, which it was said prevented the proper education of the poor. He would call the attention of the right hon. Gentleman to the constitution of Irish magistracies in the different counties. At present the magistrates were *ex officio* guardians, and complaints had been made that they often introduced political and religious feelings into the board, which created those animosities which all men of common sense deplored. He attributed the fact of there being a dissolute pauper population in Ireland to the want of proper hospital accommodation, which had the effect of throwing vagrant paupers into the workhouse, and thus corrupting the inmates; and he thought that in the face of the great privations they had to endure, the Irish people were justified in calling upon the Government to assist them in providing education for pauper children. He trusted that on reconsideration the right hon. Gentleman would see that, at present at least, the system required assistance from the Government.

MR. F. SCULLY considered that as the sum of 35,000*l.* had been granted for the promotion of the education of the poorer classes in England, a grant of a similar character ought to be made for Ireland, especially as the Medical Relief Fund, which in England was defrayed out of the Consolidated Fund, in Ireland was thrown upon the poor rates. By raising the salaries of the teachers, the services of a much more efficient class of men would be secured. A great improvement had taken place in the matter of industrial education in the Irish workhouses within the last few years, but a great deal still remained to be done, for many of the unions had no land attached to them. He suggested that the Commissioners ought to insist upon a portion of land being added to every one of them, so that the paupers might be taught practically the principles of agriculture. If his hon. Friend the Member for Carlow divided he should vote with him; but, if he did not divide, he trusted that the result of the discussion would be to place teachers in the Irish workhouses on precisely the same footing as those in England.

Mr. J. BALL said, in answer to the appeal which had been made to him, that he did not wish to press hardly upon his right hon. Friend the Chief Secretary, who had so lately come into office; but there was a demand of justice in this matter; no reason had been suggested for treating Ireland differently from England and Scotland, and he could not, therefore, withdraw the Motion.

Viscount PALMERSTON said, that hon. Members from Ireland ought to pause before they insisted upon being placed on an equality with England in these matters. If the question were to be placed upon the footing of equal justice between the two countries, he should feel it his duty to state how the case really stood. There was paid from the public revenue for the Irish constabulary, 650,000*l.*; assistant barristers, 52,000*l.*; expenses of prosecutions, 32,000*l.*; Crown solicitors, 16,900*l.*; making a total of 750,000*l.* a year. In England there was paid from the public revenue for prosecutions, 250,000*l.*; education in workhouses, 22,000*l.*; half of the medical expenses, 90,000*l.*; making a total of 362,000*l.* to be set against 750,000*l.* for Ireland. [An hon. Member: The county courts.] The salaries of the judges and expenses of these courts were paid out of the fees of the courts, and not from the Consolidated Fund.

Colonel DUNNE said, that when the Civil Estimates came on he should call attention to the injustice done in Ireland, and show that England received much more of the public money. It should not be forgotten that there was the building of that House of Parliament. (Oh, oh!) Yes, for that expenditure, being derived from the taxes, was partly drawn from Ireland, and all laid out here. The Irish people had now to pay the income tax; and he must say, they paid more money than they received benefit from their connection with this country.

Mr. FRENCH hoped the hon. Member for Carlow would not hesitate to press his Motion to a division. Ireland had a right to equality with England, and if her representatives only stood together equal justice they must obtain, whether the noble Lord at the head of the Government wished it or not.

Mr. CROGAN had never heard in that House any observations which in his opinion were more extraordinary than those which had just fallen from the noble Lord opposite. The noble Lord seemed to forget that at the time of the Union it was guaranteed that Ireland should pay only 2-17ths of the taxation of the United Kingdom, and that by the terms of that Act a greater equality ought to be observed between the taxation of the two countries than the figures quoted by the noble Lord manifested.

Mr. WILSON said, that the county court judges were not paid out of the Consolidated Fund, but by fees derived from the courts in which they presided.

Question put "That it is expedient that more effectual means should be adopted to improve the Education of Pauper Children in Ireland."

The House *divided;* Ayes 32, Noes 80: Majority 48.

VACATING OF SEATS IN PARLIAMENT BILL.

Mr. WRIGHTSON moved for leave to bring in a Bill to alter and amend the Act 6th of Anne, c. 7, so far as related to the vacating of seats in Parliament on the acceptance of office. This Bill, which consisted of only one clause, had for its object to provide for those cases in which a Minister merely changed the office he held. He did not anticipate that any disposition existed to oppose the Bill in its present stage, and he therefore trusted the House would give him leave to introduce it.

Motion made and Question proposed "That leave be given to bring in a Bill to amend the Law concerning the vacating of Seats by Members of Parliament."

Mr. FRENCH thought, that if the Government considered such a Bill necessary they ought to introduce and to carry it themselves, instead of leaving it to a private Member.

Mr. HENLEY would not oppose the bringing in of the Bill, but he reserved to himself the power of opposing it in any future stage. At present he did not see any advantage likely to arise from the Bill, for he thought it a very good thing that a person changing the office he held should go to the country.

MR. WALPOLE recommended the hon. Member to consider how far it was possible that the exclusion of Members who held certain offices should be provided for.

VISCOUNT PALMERSTON thought that this subject should be considered in Committee on the Bill.

On Question, *agreed to.*

Bill *ordered* to be brought in by Mr. Wrightson, Mr. Deedes, and Mr. Headlaw.

Bill *presented,* and read 1^a.

House adjourned at a quarter-after eleven o'clock.

HOUSE OF COMMONS,

Wednesday, March 14, 1855.

MINUTES.] PUBLIC BILLS.—1° Marriage Law Amendment.
2° Cathedral Appointments Act Continuance.
3° Dean Forest, &c.

FRIENDLY SOCIETIES BILL.

Order for Committee read.

MR. POULETT SCROPE said, that as no discussion had taken place on the first and second reading of the Bill, and as there was some remarkable points in it, he wished to know whether any Member of the Government had paid any attention to the Bill. As far as the consolidation of the Statutes relating to Friendly Societies he had no objection to it, though he thought it was hardly necessary, and he could not approve of some of the novelties introduced by this Bill. There was a clause giving a power to appoint an unpaid Commission, which was to advise members of Friendly Societies; but then that advice was to have the force of law, and to override the decisions of the Courts, which was a very extraordinary provision. Many of these societies had made prospective engagements for the payment of annuities, and giving relief in old age, to receive which large payments had been made by members; but when they came to demand the benefits they had paid for, they found that the societies were broken up, and there were no funds to pay the claimants, who, consequently, suffered grievous injury. It was found by experience that few of these societies lasted longer than about thirty years, and that fact was fortified by the opinions of Mr. Neilson, Mr. Scratchley, and Mr. Tidd Pratt, who declared that the duration of these societies was of necessity limited. He (Mr. Scrope) thought, therefore, that they ought not to go before the public with the sanction of the Legislature and the prestige of registration and enrolment, and undertake to make engagements for long terms of years which they could not reach. They ought to be limited by law to a certain term of years, say five years, and to engagements for relief in sickness, and burial money at death. In that opinion he was supported by the authority of Mr. Tidd Pratt.

SIR GEORGE GREY said, that the Bill was, in the first place, intended to consolidate the law of Friendly Societies, which was a very useful object. Great care had been taken in the preparation of the Bill, and it was not before the House for the first time, but was read a second time last Session, and referred to a Select Committee; and he believed the Bill was now the same as it was when it came out of that Select Committee. There were some of the clauses, especially that relating to the Imperial Commission, which required consideration; but he thought the provisions would be much better discussed in Committee.

MR. BRIGHT said, he had not been in time to present several petitions in favour of the Bill, but he would mention that one of them was signed by 1,700 respectable heads of families, and others connected with Friendly Societies in Manchester; and he was authorised to say that all the persons interested in those societies in Manchester were quite satisfied with the Bill.

MR. APSLEY PELLATT said, that he had been in communication with many persons in trade who knew how to take care of themselves, who had considered the clauses of the Bill, and in only one instance had any objection been taken to it.

House in Committee.

Clause 1 to 5 were *agreed to,* with verbal amendments.

Clause 6.

MR. MICHELL said, he considered that this and the two following clauses were objectionable. There was to be a board, the Members of which were not to receive any salary or fee, and would therefore be irresponsible. This board would override the Registrar who had a salary of 1,000*l.* a year. He thought the Registrar should be also an actuary, as they would thereby save the expense of an actuary. He should therefore move that the clause be expunged.

SIR GEORGE GREY said, he could

not agree to the constitution of this board, unless the hon. Gentleman who had charge of the Bill would state the alteration to be made in the clause limiting its powers.

Mr. SOTHERON said, he proposed to strike out some words which might be considered objectionable. There were between 22,000 and 23,000 of these societies, and it would be very advantageous that there should be some central authority to refer to on questions relating to the alteration of rules, and other questions which continually arose. A large portion of these societies supposed that when they got the registration they had the sanction of the Government to their rules and tables. A greater delusion could not exist. Select Committees had recommended the formation of a board. He thought that two or three years after the board had been constituted, if it were found to work well, the House ought to be asked to make them some payment.

Mr. BAINES said, he very much doubted the practicability of securing unpaid Commissioners sufficiently qualified and able to devote their time to the business to be discharged under this Bill. Nor was he quite sure of the urgent necessity for the measure, seeing how admirably the magistrates of this country performed their duties as referees or arbitrators under the Friendly Societies Act. Supposing, however, good Commissioners to be secured, he considered that it would be of the greatest importance to enable parties belonging to these societies to obtain their advice. Still there ought to be no indemnity to persons who acted on their advice, if it turned out to be wrong in law and the acting upon it had injured the property of third parties. The Commissioners themselves could not, of course, be sued; and it would be against the policy of the law to allow a wrong to be committed without a remedy, or to empower parties to dispense with the law. He believed that upon the whole the Bill was a wise and liberal measure, and was capable of being made useful and practicable, and that it would prove very valuable and beneficial.

Mr. BARROW said, he objected to the Commission because he disliked the system of centralisation, and he believed the people of this country were becoming of opinion that it was well to leave local matters of detail to local self-government. Moreover, it appeared to him monstrous that any body of Commissioners should have the power, without any discussion in open Court, or any responsibility, to issue missives stopping the proceeding in any matter. He was opposed to the introduction of the dispensing power proposed. He was of opinion that Friendly Societies should be restricted to their proper province—insurance for times of temporary sickness; and should not be allowed to undertake for annuities and provision for old age. Their proper object was the encouragement of habits of frugality, industry, and providence. His great objection, however, was to the setting up any body of men to legislate or to alter the law as to these societies. As a Member of Parliament he conceived he had no right thus to delegate his powers, and remove the responsibility which had been confided in him by those whom he represented. Neither did he see any necessity for the constitution of the commission with a view to the revision or construction of tables superseding the authority of the Registrar of Friendly Societies.

Mr. TATTON EGERTON said, that when the proposition for a Commission was first brought before the Committee, his own opinion was adverse to it; and though, after the evidence they received, his views had been much modified, he should recommend his hon. Friend to reconsider the whole subject before the bringing up of the Report.

Mr. HENLEY said, the clause now under discussion involved a very serious principle, which should be well considered. In the first place he doubted as to the wisdom of an unpaid Commission. What was the Commission to be appointed to do? The Committee which had sat upon the subject had described the powers proposed to be entrusted to the Commission as very extensive. It was his opinion that it would be best not to agree to these clauses at present. What were the reasons which rendered the appointment of a Commission requisite? He objected to anything having the aspect of a Government sanction to the friendly society tables. It was said that if Mr. Tidd Pratt died no one would know anything of the thousands of friendly societies in the country. There was, however, in the Bill no provision for any species of record of its proceedings. Practically the whole business of the Commission would fall into the hands of the secretary as in the instance of the Ecclesiastical Commission. He disbelieved in the necessity for any such central authority at all, and he hoped the clauses in question would be withdrawn for further consideration.

MR. SOTHERON said, he should assent to this suggestion, and withdraw the clauses that touched on this matter; but there had been great misconception as to the functions of the Commission.

MR. POULETT SCROPE said, he would suggest that another registrar should be associated with Mr. Tidd Pratt.

MR. MICHELL said, he would suggest to the hon. Member (Mr. Sotheron) to propose on the bringing up of the Report the appointment of an official actuary as well as a registrar.

MR. ADDERLEY said, that a more objectionable proposal could not be made. In the first place, if it were adopted the House would fall into the error of giving something very like a Government security; in the second place, it would be difficult to appoint an actuary, seeing that no two actuaries could be found to agree; and, lastly, no actuary could prevent those frauds in the management of these societies, which formed the chief subject of complaint.

Clauses 6, 7, and 8, *withdrawn.*

Clauses 9, 10, and 11, *agreed to.*

Clause 12.

MR. BARROW said, he would beg to move that the limit of 50*l.* to the annuities assured be reduced to 30*l.*, and that the limit of the sums paid upon the death of any person be reduced from 200*l.* to 100*l.* In his opinion, persons who insured to the extent of 200*l.* ought to go to the ordinary insurance societies.

MR. SOTHERON said, that in all the Acts previous to the last one the sums had stood at the higher amounts, and although they were reduced by the last Act to 30*l.* and 100*l.*, it was thought better to revert to the original amounts. Persons were allowed to deposit as much as 200*l.* in savings banks, and there was no reason why the same amount should not be insured by means of friendly societies. He would mention some instances of the injurious operation of the late Act, One society in Belfast was made use of by the Presbyterians of the north of Ireland for providing for the widows of their clergy; and they found that the limit imposed by the late Act had the effect of almost neutralising their operations. By extending the amount of allowance as now proposed, this and other societies would be able to go on.

MR. BRIGHT said, he agreed with the promoter of the Bill, thinking it an advantage that these societies should not be confined exclusively to the working classes. He admitted the occasional failures of these societies, but the benefits he considered far outweighed the dangers.

Amendment *negatived.*

Clause *agreed to;* as were Clause 13 to 19 inclusive.

Clause 20, in answer to Mr. WICKHAM,

MR. SOTHERON said, the object of this clause was to allow societies, instead of going to a public house, or hiring a place for their meetings, to possess a building for themselves, and, if they could not get one ready made, that they might erect one for themselves. He did not think it desirable to allow these societies to hold land for other purposes, or to invest their money in real property.

Clause *agreed to;* as were also Clauses 21 to 35 inclusive.

Clause 36 *struck out.*

Clauses 37, 38, and 39 *agreed to.*

Clause 40,

MR. HENLEY said, he would suggest an alteration of the clause. As the clause stood the person who committed a fraud would be able to compromise his crime by a double payment, and perhaps something in addition. There could be no greater offence than that of a person cheating a society by fraudulently representing himself as a nominee or executor, and he should not have it in his power to compromise that offence by a money payment.

MR. BAINES said, he thought it would be desirable to have the money that was fraudulently obtained from the society returned. At the same time the criminal offence should be punished more severely. The clause was important, and he would suggest to his hon. Friend to consider the clause with a view of framing it anew.

MR. BONHAM-CARTER said, that the Committee followed the precedent of former Acts in framing the clause.

Clause *withdrawn.*

Clauses 41 to 43 inclusive were *agreed to.*

Clause 44 *struck out.*

Remaining Clause and the Schedule were then *agreed to,* and the House resumed.

SUPPLY—MEDICAL ARRANGEMENTS IN THE CRIMEA.

The Report of the Committee of Supply having been brought up by Mr. BOUVERIE,

MR. A. STAFFORD said, he had given notice that on bringing up the Report he would call attention to the medical arrangements for the sick and wounded in the Crimea, with the view of eliciting from the Government some explanation of those arrangements, which ought by this time to have assumed a definite form. He was not aware, however, whether there was any Member of the Government present who could afford any explanation on this subject, and he would, therefore, suggest that the Report of Supply be postponed to some future day, when he might have an opportunity of putting to the hon. Under Secretary for War the questions of which he had given him notice. This was the last occasion they would have for discussing subjects of this nature before they completed the system of Votes which had placed in the hands of the Government nearly 40,000,000*l.* for the public service in connection with the war; and, considering the state of opinion out of doors, the mode in which the funds hitherto voted by Parliament had been administered, and the condition of some of the public offices, the organisation of which was in a transition state, he conceived that, before receiving the Report of the Committee of Supply, some explanation should be afforded by the Government on the subjects to which he had called their attention. He regretted that the hon. Gentleman the Under Secretary for War, to whom he had given a double notice of the questions he intended to put, was not in his place to answer them.

Mr. WILSON said, it was a matter of some consequence that the Report of the Committee of Supply should be received, in order that the Government might be enabled to complete their financial arrangements, and he would suggest that the hon. Gentleman should postpone his questions until Friday, when he would have an opportunity of putting them early in the evening, on the Motion for the adjournment of the House.

Mr. FREDERICK PEEL—who had just entered the House—said, he had been in attendance from an early period of the sitting, and was quite prepared to answer the questions of which the hon. Gentleman had given him notice; but, as it was now near six o'clock, he thought the most convenient course would be for the hon. Gentleman to postpone his questions till Friday.

Mr. A. STAFFORD said, he would adopt the suggestion of the hon. Gentleman.

Resolutions *agreed to.*

The House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, March 15, 1855.

Minutes.] Public Bills.—1ª Dean Forest, &c.
2ª Ecclesiastical Courts.
3ª Marine Mutiny; Mutiny; Tea Duties Decline Suspension; Secretaries and Under Secretaries of State (House of Commons).

CRIMINAL JUSTICE BILL.

Lord BROUGHAM said, that, although he had considered it necessary a week or ten days ago to bring in a Bill on the subject of the Administration of Criminal Justice, there was so little difference between that Bill and the Bill of his noble and learned Friend (the Lord Chancellor) that it was not his intention to press his own Bill, if his noble and learned Friend's Bill should be well received in the other House. He wished to suggest to his noble and learned Friend the propriety of giving the magistrates a greater discretion in some cases, so far as related to the acceptance of bail or the liberation of prisoners on their own recognisance. A case had recently come before Mr. Baron Alderson which strongly evinced the want of some power on the part of magistrates to discharge persons on bail charged with a certain class of criminal offences. A woman committed upon a charge of manslaughter remained in prison during seven months, including the whole of the winter, and when the assizes arrived the grand jury ignored the Bill against her. If the magistrates had had a discretionary power to allow her to go out on bail, or upon her own recognisance, this frightful injustice would not have been committed. In another case, a child twelve years old had been exposed to the contamination of a gaol for three months, having been committed to prison with her father, charged with a crime of which she could not possibly have been guilty—that of causing the death of her mother by starvation.

The noble and learned Lord concluded by moving for a return of persons committed for trial and out on bail at the Central Criminal Court in 1854, and Middlesex Sessions in the same year, with the result in each case, distinguishing those in which there was a conviction, those in which there was no Bill preferred, those in which there was no true Bill returned, and those in which the persons committed did not appear in discharge of their bail.

The LORD CHANCELLOR said, that he proposed to add two clauses to the Bill, enabling the magistrates either to commit for trial or to take bail if, in their opinion, the circumstances should justify them in so doing, or to let parties out on their own recognisances.

Return *ordered* to be laid before the House.

MUTINY BILL—COMMISSIONS IN THE ARMY—QUESTION.

Order of the day for the third reading read.

Moved—That the Bill be now read 3^a.

EARL GREY: I wish to ask my noble Friend the Secretary for War, or the noble Viscount at the head of the army, upon what principle it is that, since the augmentation of the army, commissions in the army have been granted some with and some without purchase? Your Lordships are probably aware that hitherto the granting of commissions without purchase has been quite exceptional. So small a number of them have been at the disposal of the Commander in Chief that, practically, commissions without purchase have been, I believe, granted only either to the sons of officers who have distinguished themselves in service, or to officers who have passed with distinction through the Military College at Sandhurst. The number of commissions which could be granted without purchase has hitherto been hardly sufficient to meet these two classes of cases; but, in consequence of the recent augmentation of the army, rendered necessary by the war, the number of first commissions to be disposed of has been largely increased, and I find that considerable dissatisfaction has been created among various persons under the belief that different people have been differently treated. Thus, one man has been called upon to pay for the first commission which has been granted to his son, while another man who has no closer connection with the army, nor any greater claim than the first, has obtained a commission without purchase. It appears to me most desirable that the country should understand upon what principle these first commissions are to be given with or without purchase. I am not one of those who believe that it would be safe hastily to abolish the system of purchase. Although I should never have recommended its establishment, I think great consideration is necessary before its abolition; and, on the other hand, I am equally certain that a system of that kind cannot be maintained unless there is in the public mind a perfect confidence that its application is fairly and impartially carried out. I therefore wish to ask the noble Lord upon what principle it is that the persons who have come into the army since the commencement of the war have obtained new commissions, some with and some without purchase?

LORD PANMURE: My Lords, my attention having been called the day before yesterday to the question put by my noble Friend, I will give him the best answer that I can to it. I have inquired upon what principle first, commissions are given; and I find that they have been granted without purchase, first of all, to those who have distinguished themselves at the Military College at Sandhurst, and who by passing the highest examination have entitled themselves to the reward to which they aspired. The next class of individuals which has the second claim to commissions without purchase, consists of the sons of those officers of Her Majesty's army or navy who have distinguished themselves in the service of their country, and thereby deserved the indulgence of a first commission without purchase. I am informed that the Commander in Chief recognises, in the next place, the claims of a third class of applicants—namely, the sons of poor and deserving officers generally, of clergymen with large families who have claims upon the public of this country for the manner in which they have discharged their duties, and of individuals whose claims I am sure would be recognised by this House as entitled to such a boon. It is true that these three classes, in consequence of the great demand for officers caused by the war, have been entirely exhausted, and a great many commissions have been given to gentlemen whose names have been long upon the list of applicants, and, in order to meet the demand, the age at which officers may enter the service has even been extended from eighteen to twenty-two years, and officers may now enter the service up to that age. I have endeavoured, but I have certainly failed, to discover that any commission has been granted in a manner which would lead me to suppose that it had been given unfairly or without due consideration, or with any partiality for one class of individuals over another, by my noble and gallant Friend who has the recommendation of persons to these appointments. I am satisfied that, in reference to promotions in the Guards, one half of those promotions has been distributed by my noble and gallant Friend among meritorious officers of the line, and that the other half of the promotions has been so distributed by my noble Friend with a care which will, I am sure, upon examination, reflect great credit upon him. I may mention, in reference to this question, that my noble and gallant Friend delayed making some of the appointments for a considerable time, until he had received reports from the Crimea of those persons who were most worthy of the great step of promotion from the line into the Guards. One of the young gentlemen so promoted, Lieutenant Gordon, of the 38th regiment, had a vacancy kept open for him for a considerable period, as the services which he had rendered in the trenches in resisting a sortie, and retaining his position until he was relieved by a portion of the 50th regiment, were such as, in my noble and gallant Friend's opinion, gave him a claim to the step. I believe my noble Friend incurred some little odium for that appointment, from its being supposed that this officer was a relation of my noble Friend below me (the Earl of Aberdeen), a supposition which I am able, of course, fully to contradict. And I may add, that the gentleman's conduct has fully justified my noble and gallant Friend in giving him the step. This is the statement which I have to make in answer to my noble Friend; and I will only add that I am as alive as he can be to the fact that there ought to be no favour, no partiality, no affection in carrying out the system of promotion, but that one general principle ought to be acted upon; and I am sure that my noble Friend at the head of the army will be guided by that principle.

Earl GREY: Nothing was further from my intention than to impute to my noble and gallant Friend commanding the army, that he had shown any such favour or partiality as that to which the noble Lord has alluded. I did not at all advert to the point of promotion in the army. What I did advert to was the question of first commissions, and I think that the statement just made by the Secretary for War, proves that the evil of which I complain does exist; because, after exhausting the two first classes, it appears that there has been a considerable number of commissions which have been given without purchase to those who have no particular claims, and I want to point out to my noble Friend, that, if at the same moment commissions are given to two persons who have equal claims, and that for one the sum of 450*l*. is paid and the other given without purchase, it is impossible that dissatisfaction should not arise. I think that the right way to meet this would have been to reduce the prices of all commissions, so that all might have obtained them on equal terms; that is, supposing there were two commissions to be given, for one of which 450*l*. was to be paid and the other was to be given without purchase, then I think 225*l*. ought to be paid for each commission, so that persons coming with equal claims might find equal treatment. I have only mentioned this subject because I find that much dissatisfaction existed as to these first commissions, as an idea prevails that some claimants have received different treatment from that experienced by others.

Viscount HARDINGE: It is true that a certain number of commissions have been granted, to some claimants with and to others without purchase, and there would have been a great inequality in the respective numbers had it not been that there were a great many persons on the list of applicants for the purchase of commissions at the amount stated by the noble Earl—450*l*. But the noble Earl, having been Secretary at War, is aware that there is another consideration mixed up with this subject; he knows that great care must be taken to reduce the half-pay list as much as possible; therefore an injunction was laid on the Commander in Chief that a certain number of commissions should be sold at the regulation price, and the proceeds given to the Secretary at War, to form a fund out of which he was to reduce the half-pay list. There were many officers not well able to serve, and who were a dead weight on the half-pay list, and in consequence of the direction I have mentioned, the sums received in payment from persons purchasing commissions have been paid to the Secretary at War to be applied in mitigation of the half-pay list. This matter has been so thoroughly looked into that I now believe that there is not a captain or a lieutenant on the half-pay list capable of service; and, in consequence of the arrangements which have been made, the half-pay list has been very much reduced. It would, of course, have been more agreeable to me not to have to call upon gentlemen to pay for their commissions; but those called upon were taken from the list of those who had applied to purchase commissions, and the order having been issued that a certain number should be sold, as a necessary consequence that order was obeyed by the Commander in Chief.

The Earl of ELLENBOROUGH: Before this bill passes, I wish to put a question to the noble Earl with reference to the reports that are current as to the withdrawal of troops from India. According to the army estimates, provisions are made for twenty-four regiments of infantry and four of cavalry serving in India. Of these, eighteen regiments of infantry are in India, provision having been made for withdrawing six regiments of infantry, which I believe are now on their way. Of the four cavalry regiments, I see one has been withdrawn and is passing through Egypt; and I understand that the 12th Lancers have received orders to depart from Bangalore for embarcation for the Crimea. I believe the four regiments specified are to be withdrawn, so that the total number of infantry and cavalry in India will not correspond with the number voted by the House of Commons. This is a subject on which I should feel great apprehension if it is intended to reduce the European force both in cavalry and infantry in India. I wish to ascertain whether these reports be correct, for it is stated that not less than 10,000 Europeans are to be withdrawn from India. I must say that I believe the number to be greatly exaggerated; at the same time I think the number to be withdrawn is very large. I see also that it is stated that volunteering is allowed from the regiments that are to serve in India into regiments proceeding to the Crimea. If this be so, not only will the army serving in India be reduced below the ordinary establishment, but likewise those regiments now there will be deprived of the recruits sent out to them every year.

Lord PANMURE: With reference to the troops withdrawn from India, I can only say that orders have been given to withdraw the 10th Light Dragoons and the 12th Lancers from India. The 10th Light Dragoons are now at Cairo, and the Viceroy of Egypt has extended his hospitality to the whole regiment in a manner worthy of an Eastern prince. With regard to the 12th Lancers, they have not yet arrived at their destination, but I hope they will soon be available for service in the Crimea. I can assure the noble Earl that, as to the propositions made for reducing the army in India, great caution has been and will be observed in this respect, and that they will not be withdrawn without the most careful consideration.

Motion *agreed to;* Bill read 3ª accordingly and *passed.*

ECCLESIASTICAL COURTS BILL.

Lord BROUGHAM moved the second reading of this Bill, which he said had come up from the House of Commons, and had for its object the abolition of the jurisdiction of these courts in certain cases, such as that which had occurred recently, where a poor woman charged with defamation of which she said she had not been guilty, but being proceeded against in the Ecclesiastical Court, and being too poor to employ a proctor, was advised to plead guilty, whereupon she was condemned in the costs, and committed to gaol for non-payment, without hope of release. Although he approved generally of the measure, he thought the second clause, which had a retrospective effect, was somewhat objectionable, and suggested that it should be amended in committee.

The Bishop of EXETER said, that there were some considerations which he would thereafter present to the noble and learned Lord with respect to the offence of brawling in a church, which offence was so decidedly ecclesiastical in its nature, that he thought it should be dealt with by ecclesiastical tribunals.

Bill read 2ª and *committed* to a Committee of the whole House on *Monday* next.

THE MILITIA.

The Earl of MALMESBURY rose to call their Lordships' attention and that of the Government to the subject of the militia lately embodied in this country, and said that the question derived peculiar importance from the fact that the recruiting of that force had, unfortunately, been brought to an almost total standstill. That impulse under which, at the original formation of the militia, large masses of people in all parts of the country had nobly come forward to join its ranks had now died away. The causes which had led to such an unhappy revulsion of public feeling in regard to this constitutional force he would presently endeavour to trace. He assumed that the noble Lord at the head of the War Department would answer him, because when, the other day, he gave notice of his intention to put some questions to the Government, the noble Lord kindly offered to afford him any information that he desired if he would only apply to his office for it; and certainly, if the points to which he was now about to allude only concerned his own regiment of militia, or affected his own county exclusively, it might be sufficient for him to avail himself of the noble Lord's courtesy by calling at his department, and then to repeat to the parties interested the answers he obtained at the Government offices. His present questions, however, related to the whole militia force of the country, and to a subject which had been very generally misunderstood by the officers of regiments, the magistrates of counties, and persons who had enlisted or were likely to enlist; and, therefore, he thought it his duty to put the question publicly to the responsible Minister, in order that they might receive a public answer. Now, he thought that the cessation of that spirit which had led the people to enlist in the militia was ascribable, in the first place, to an apparent—if not a real—breach of faith on the part of the Government towards the men who had enrolled themselves. Their Lordships were aware that the Militia Bill of 1852 first raised the force on the understanding that the men would only be required to serve for twenty-eight days, unless in case of an invasion. In 1854, war having been declared in an unexpected quarter, a new Bill was necessary, by which the militia were called out and embodied. The men so embodied received a larger amount of bounty than those who enlisted under the Act of 1852, and justly so, because a greater demand was made upon them; but it was never sufficiently explained to the men of 1852 that they would be liable to be embodied permanently or for a service of five years; and the consequence was that many married men, who would not have joined a permanent force, but did not object to serve in one that would be called out for a month, found themselves entrapped—as they considered it—into liabilities which they had had no intention whatever of incurring when they first enlisted. This had produced a very unfavourable effect upon the minds of those men who went out, as well as upon the minds of their relations at home. It had also had the effect of throwing a great number of wives and children upon the parishes for their maintenance, which would not have been the case had the head of the family been taken away for only a month's training. The men not only thought themselves unfairly dealt with, but the ratepayers, influential farmers, and others, to exempt themselves from the burdens thus cast upon them, had been led to exert themselves to check enlistment, and especially that of married men. Again, many country gentlemen and others who had encouraged enlistment under the Bill of 1852 were seized with apprehension at the anomaly and injustice created under the second measure; but their alarm was allayed by the result of the debate which took place in their Lordships' House in the month of May, 1854, in the course of which the noble Duke then at the head of the War Department (the Duke of Newcastle) stated that the Government, in consideration of the apparent injustice he had now described, meant to deal very indulgently towards the men of 1852, and that the married men should be relieved after a month's service and allowed to return home. He would read to the House a few extracts from the speeches made on the occasion in question. The discussion was commenced by a noble Earl opposite (Earl Grey), who quoted a letter which he had received from a militia colonel, remonstrating against the injustice done to these militiamen, and stating that—

> "The country came forward very handsomely upon the appeal made to it, and now, while they believed themselves to be secure of being called out only under certain circumstances and at 3*s.* a day, they are now exposed to be called out to service for a longer period than they had ever intended for only 1*s.*-a day."—[3 *Hansard*, cxxxiii. 313.]

The noble Duke the War Minister then replied, observing—

> "It will not be necessary in some instances to embody whole regiments; and in that case leave of absence will be given to those who cannot, from their vocations, come forward, and those only will be selected who may be disposed to attend, so that no serious inconvenience, if any at all, will be felt."—[*Ibid.* 314.]

It did not appear whether the noble Duke spoke, in this passage, of whole regiments, or only of individuals; but the doubt was cleared up by the subsequent part of the discussion. His noble Friend (the Earl of Derby), remarking on what had fallen from the War Minister, said—

> "If he understood aright, although the noble Duke did not lay down the principle that persons who were unwilling to serve under the terms of the new Act should be absolutely free to do so or not, as they chose, yet the Government intended in the first instance only to select for embodiment those regiments which, as a body, were desirous of acceding to these conditions, and in whose case,

therefore, the further embodiment would be equivalent to a voluntary act. Then, again, he understood that in the regiments thus selected—each consisting, perhaps, of 900 or 1,000 men—if 500 or 600 were willing to serve when called upon under the new measure, it was proposed to give the remaining section an opportunity of being released from attendance. If that pledge were specifically given to the country no injustice would be done, and in that case he should entirely approve the course that was to be pursued. He hoped the noble Duke would further confirm what he had been understood to state already, and say that he (the Earl of Derby) had not misinterpreted what were the present intentions of the Government."—[*Ibid.* 315.]

In answer to this appeal, the noble Duke (the Duke of Newcastle) responded—

> "You have not in any respect misinterpreted what I said. The only difference is that you stated it more fully and clearly than I did myself." —*Ibid.* 315.]

These assurances relieved the minds of those who felt, after what had occurred, that their honour had been almost compromised by inducing the men to enlist. Practically, however, the promised indulgence had not been shown to the men. He could maintain this assertion by adducing particular instances to prove it, and although he would not mention names in that House, he was ready to furnish them confidentially to the noble Lord the War Minister, if he wished to know them. One landed proprietor of some influence took great pains to raise recruits for the militia force under the Act of 1852, and succeeded in inducing a considerable number in his own district and on his own property to enlist. When, however, the militia of his county were embodied under the Act of 1854, and called out for permanent service, finding that the men had to undergo a considerably longer period of drill than the twenty-eight days to which they were fairly liable, this gentleman applied to the lord lieutenant of the county for leave of absence for one of these men, who had been receiving very high wages. The application was refused, and, in fact, leave had been constantly denied to men to whom the Government had certainly pledged themselves to give it. [Lord PANMURE inquired the date of the refusal.] It was in September last. Since then his (the Earl of Malmesbury's) notice had been attracted by a correspondence which had appeared in a Herefordshire paper, purporting to have taken place between the Lord Lieutenant of Hereford (Lord Bateman) and the present Premier, who was then Home Secretary. The Lord Lieutenant's letter to the noble Lord was to the effect that it was extremely desirable that the wives and children of married men who had been enlisted in the militia should be supported during the absence of their husbands with their regiments by other means than the local rates; and the reply of the noble Viscount was, that an order would be given that the married men belonging to the regiments in question should be sent home. Certainly, however, with respect to his own county he had heard of no such order having been given as yet. He would, therefore, ask the noble Lord opposite whether such an order had been, or would be, given; and, if given, to what extent it was intended to be carried? He would also ask whether it was the intention of the Government to provide some other more public fund for the maintenance of the wives and children of married men serving in the militia, inasmuch as the fact of their being at present dependent upon the rates of small localities had been found to produce a great discouragement to recruiting for the militia?

LORD PANMURE said, he must explain what took place between himself and the noble Earl on the occasion to which he referred. When the noble Earl gave notice of these questions, he (Lord Panmure) said that if the noble Earl or any other noble Lord simply wished for information on any particular points, it would be the best for them to apply to him privately at the War Office, and he would give them all the information in his power; but if, on the other hand, there was anything in the question the noble Earl wished to put which would make it more advisable to put it publicly in Parliament, it would be best and most proper to take the course which he had just taken. With reference to the questions, he hardly thought that the noble Earl could be in possession of a circular which was issued from the War Office in November, 1854; otherwise he imagined that this circular, which was addressed to the commanding officers of militia regiments, and was lithographed throughout, would have rendered his question unnecessary. He was sorry that any impression should have gone forth, that a breach of faith had been committed with those who had engaged to serve in the militia; for he was quite certain that no Government would ever be mad enough to commit a breach of faith, or approach to a committal of any such thing as a breach of faith, with those who had enrolled themselves in the militia. When the Militia Bill of 1852 was passed, it referred to a very different state of affairs to the present, an embodiment of twenty-eight days for training was alone contemplated, and the enforcement of continuous service was only to be in case of an invasion. But when the declaration of war, in 1854, rendered necessary the Act for the permanent embodiment of the militia, no doubt the men who originally engaged simply for training and exercise were embodied for actual service. But he could not admit that these men had been entrapped into continuous service, for in November, 1854, by the circular to which he had referred, and which he held in his hand, the attention of the commanding officers of all militia regiments was called to the case of these men, and they were directed, when the embodiment took place, to call only on such men as had no claim for exemption through age, employment, or domestic circumstances, &c.; and with respect to the men whom they did not think it advisable to call out, they were directed to report their opinion as to the expediency of granting discharges. There certainly had been no intention on the part of the Government to break faith with these men, for when a regiment was embodied, and it was found that there were men in it whose families would suffer by their absence, and become a burden to the locality, thus throwing the militia service into disrepute, the colonel was empowered to allow such men to return to their homes on the repayment of their enrolment money, and in certain cases, where it should appear that they were entirely unable to make such repayment, to remit it and grant a full and complete discharge. If any blame attached to any one, therefore, it would be to the commanding officers of the regiments, and not upon Government. He thought that he had shown that it was the practice of the last as well as the present Government, in fact, that it had been the constant practice of the War Office, to give these men their discharge, first on the condition that they returned the enrolment money, and if they were unable to do that, to give them their free discharge.

Lord BATEMAN said, that neither he nor his noble Friend near him (the Earl of Malmesbury) had any knowledge of the circular to which the noble Lord had referred, but whether this arose from any mistake in the transmission of it he was unable to say. He certainly had received a document, bearing date January 31, 1855,

referring to the same subject, but not in the same terms. As reference had been made to his correspondence with the Secretary of State, he might be allowed to say that the Herefordshire Militia had certainly no reason to complain; they had been treated most handsomely by the Home Office, Lord Palmerston having allowed the colonels to exercise a discretion in sending the married men home. In consequence of that, he applied to the colonel of the regiment, by whom he was informed that a considerable number of men in the Herefordshire Militia were married, and that it would be exceedingly inconvenient at once to carry out the instructions relative to the discharge of the married men, but that he would state, in course of time, the steps that might be taken. The colonel accordingly wrote, as he (Lord Bateman) supposed, to the War Office, and received a reply, to the effect that on his returning the names of the men he wished to be discharged, the Secretary for War would take into consideration the propriety of discharging them on the repayment of the enrolment money, amounting to 18*s.* 6*d.*; and that if they could not repay that sum, such men as the colonel recommended might be discharged free. Therefore he repeated that, so far as the Herefordshire Militia was concerned, he had no reason to complain. Since the receipt of the letter he had just adverted to, twenty-eight married men had been discharged, and forty-two married men at the present moment remained in the regiment, either in consequence of certain difficulties between the colonel and themselves, or, perhaps, because they were not able to find the necessary 18*s.* 6*d.*, or were not desirous to accept a discharge. He was bound, however, to say that the colonel had informed him that he had made it a point only to discharge such married men as could prove that they had two children born in wedlock. Now, he must say that, if every man in the militia were refused his discharge unless he had two children born in wedlock, it was a very hard case for the militiamen. So far as the Herefordshire Militia was concerned, he believed steps had been taken to mitigate the evil as regarded married men; but if out of every regiment, consisting of 500 men, the services of 100 men were to be lost because they were married, very great difficulty would be felt in replacing them. He wished, therefore, to know whether the rule applied to every regiment, or whether it was an exceptional case, in favour of the Herefordshire regiment, and whether a return could be produced of the number of applicants in the militia for leave to return home, and of those who had had their discharge granted to them?

Lord PANMURE said, he could hardly give a return of the number of applicants for discharge, though he might be able to give the number actually discharged.

After a few words from the Marquess of Salisbury, which were not heard,

The Earl of ELLENBOROUGH said, that if every married militiaman might obtain his discharge with or without payment, according to circumstances, he apprehended the number of transactions between the War Department and married men with two children would become rather numerous and extensive, inasmuch as there could be no more convenient boon than the receipt of 18*s.* 6*d.* without the discharge of any duty. It appeared to him that there were two classes of militiamen—those enlisted before the 12th of May, 1854, and those enlisted subsequently to that date. The first class were liable to be ordered out on a service, first of all, of twenty-one days; and if Her Majesty should be pleased to issue an Order in Council, which She might do on any emergency arising, then they were liable to service for fifty-six days. Those enlisted subsequently to the 12th May were liable to be permanently embodied for five years. He understood it to be conceded that no man enlisted before the 12th of May should be compelled against his will to serve for that period or for more than fifty-six days;—but he thought the Government would act very unwisely and imprudently if they did not require of this class of militiamen that they should serve for the whole amount of the period for which they had engaged when they enlisted. He could not imagine why they should not perform not only the twenty-one days' duty, but why, under the special circumstances of the case, the Government should not issue an Order in Council and require them to perform fifty-six days' duty. If they trained a man during fifty-six days, not only was he a more valuable subject, but there was a greater chance of his volunteering into the army and of his remaining there. Therefore he hoped nothing would induce Government to depart from the strict letter of the law, which gave them a power to demand of those who had enlisted prior to the 12th May a service of fifty-six days during the year, under an Order in Council. Such an order should be issued at once, for without it there was no such power. He wished now again to do what he had already done more than once—namely, to press upon the Government the necessity that existed for making some great exertion for the purpose of raising the militia to the full extent of its establishment. The militia at the present moment was only 44,000 strong; the establishment was 136,000; so that it was 92,000 under its complement. At the same time in the Army Estimates a Vote had been taken for 60,000 recruits to the regular army, and at the same time an allowance must be made for the casualties of the year, amounting to 30,000 more; so that not fewer than 182,000 men were required to raise the regular army and the militia to their complements. Nay more—they required 6,000 or 7,000 artillerymen to raise that branch to its full complement. Their demand, therefore, was for nearly 200,000 men; and he really trusted the Government would look seriously at the position in which the country was placed, deficient to that extent in the force which it was thought necessary to have for the purpose of carrying on the war with success.

Earl GREY said, he was extremely glad the noble Earl had brought this subject before the House, for it was one of very great importance. He had not the slightest doubt the noble Earl was right in saying that the present state of things had materially interfered with the recruiting for the militia. He had heard with the greatest regret that a noble Marquess, himself a Lord Lieutenant of a county and a colonel of militia, had stated there would be no breach of faith in calling upon men enlisted under an Act of Parliament which distinctly provided they should be permanently embodied only in the case of invasion, or similar imminent peril to the country—that there would be no breach of faith in calling upon such men to serve beyond the time they engaged for. In his own opinion, there could be no more flagrant breach of faith; and whether the fault rested with the Government or with the colonels of the militia regiments who might agree with the noble Marquess, of this he was quite certain, that, practically, men enlisted under the Act of 1852 had not been aware that they were entitled to demand leave of absence or discharge whenever they had fulfilled the period of service of twenty-one days for which they had engaged themselves. He hoped the present discussion would make it generally known throughout the country that such men, whether married or not, or whether he had children or not, or who thought he could earn higher wages in some other employment than the public service, and who had enlisted under the terms of an Act of Parliament, had a right, which no colonel of militia and no Government could set aside—an express right to demand to have leave of absence after the expiry of the time he stipulated to serve. But when that became known, another inconvenience would arise—a very large proportion of the militiamen would walk off. No doubt that would be a great inconvenience: and what was more, it would be impossible to fill up their places, for no man in his senses would engage to serve five years in the militia, and perform the very same service as that of the regular army, except that of actually being in the face of the enemy, without any eventual claim to pension, when he could find higher bounty, and much more advantageous terms altogether, by engaging to perform that service in the line. To be sure, he would not in the militia have to face the enemy, but he was sure the chance of facing the enemy was no discouragement to men entering the service—on the contrary, it would act with many men rather as an inducement to engage in the army. He thought that all this only showed the extreme impolicy of departing from the original scheme of the militia. The militia was intended to be a reserve force, composed of that description of men who could not consistently with their private avocations enter into the permanent service of the country, and who were not to be permanently embodied; but when they came to keep the militia permanently embodied, that class of men was excluded, and they were forced to fall back upon men who must enter on the service as a profession. But then the consequence must be, that recruiting for the militia must, under those circumstances, interfere with recruiting for the army; and he had seen many officers who had assured him that it was so interfering. The noble Earl opposite (the Earl of Ellenborough) had just told them that men were wanted both for the army and for the militia. That ought to affect the Government most seriously, and he would recommend them to return to the original principle of a militia. Let them just look at the inconvenience of the present state of things. There were only 44,000 embodied of an establishment of 136,000; but how many officers were there? If he was not mistaken, the country was at this very moment paying for an establishment of militia officers for very nearly the whole army of 136,000. The militia was rendering very little service in return for the enormous sum of money it was costing the country, and it was interfering decidedly with the recruiting for the regular army and causing other inconveniences. Country gentlemen were unwilling to allow their sons to enter it as officers; a different class of men was therefore being brought in; it was interfering with labour to a considerable extent, and agriculturists looked upon it with an evil eye. The departure from the original plan was, in short, bad in every respect. He should put it to the Government, whether they thought that the militia officers ought to be converted into mere drill sergeants for the army? It was the intention of the Act of 1852, that a distinction between the regular army and the militia should be maintained. He was still of opinion that the original Act was a mistake—it was not the right way to make a force, but it was, at all events, a clear and intelligible policy. The Government had departed from that policy, and had not adopted any other; their militia was neither the one thing nor the other; it was neither the militia of 1852, nor was it a force founded on any other plain and rational principle. He did hope, therefore, that the subject would be seriously considered by Her Majesty's Government, and that they would not allow the arrangements connected with the militia force to remain in their present state of confusion.

The Earl of MALMESBURY said, he could not say that he was satisfied with the reply of the noble Lord opposite, with respect to the breach of faith which appeared to have been committed. How could the course taken by the Government be anything else than a breach of faith, after the positive declaration of the late Secretary of War in that House, which he had had the honour to read to their Lordships? He hoped the noble Lord would state before he left the House that he was ready to adopt the principle so well recommended by the noble Earl (the Earl of Ellenborough) who had left the House, that they would, by some general and comprehensive order, restrict the services required of the men who had enlisted under the Act of 1852, to the liabilities imposed upon them by that Act, and that while they obliged the militiamen who had been so enlisted to serve for the full period of fifty-six days, they would, after that period of service, release them from duty. With respect to the question of married men, the noble Lord had completely forgotten to answer him. He wished to know whether Government intended to relieve the wives and children of married militiamen from any other fund than that created by the parochial rates? With reference to the circular which had been issued to the colonels of militia regiments in November, he believed that there was nothing in it to lead a commanding officer to suppose that it amounted to an order from the War Office for the discharge of the married men. A more obscure circular he had never read. He understood it to mean that men who were unfit to remain in the service, for certain reasons of which the colonel alone was to judge—these men were to be released from duty, and outstanding men, who had not yet joined, were then to join; and an indirect proof that it was so understood by the Home Office was, that in replying to the observations of my noble Friend the Lord Lieutenant of Herefordshire (Lord Bateman), the noble Lord gave my noble Friend permission to discharge such men.

Lord PANMURE: This question has taken a much wider range than I at first anticipated. In my opinion, the speeches of the noble Earl opposite and my noble Friend below me, will raise a very grave question throughout this country—a question which would be of the gravest importance for any Government; for I think that a sort of general notice has been given this night to all the militia of the United Empire, of which many will be too ready to avail themselves and which may occasion great difficulties to the country in its present exigency. I do not hold myself in any way responsible for the consequence of these statements; it shall be my endeavour so to administer the law as to obtain the services of as many of Her Majesty's subjects, either voluntarily or under the law, as the exigencies of the State may require. With reference to the question of the noble Earl, it resolves itself into this. In the year 1854, in the month of November, a circular, which in my opinion would have given clear light to any colonel of militia who chose to read it, was issued from the office of the Secretary at War, and addressed, not to the private residences either of the lords lieutenant of counties, or of colonels of militia, but to the orderlies of the militia regiments, or to the clerks of lieutenancy in the various counties. In my mind the last paragraph but one of that circular, points out in distinct terms that if there be any reason why, in the opinion of the colonel, a man ought to be released from service in his regiment of militia, either upon repayment of the enrolment money or without such repayment, upon the recommendation of the colonel that man would receive his discharge. Now that exigency did arise in the case of married men who had enlisted as burdens upon the parishes, and who, having become embodied for five years, stood in the position of soldiers of the line in that respect, and were not bound to maintain their families further than they could afford to do out of their pay. To those individuals it was, and is now, the practice to give discharges, that they may return to their families upon a free discharge (if they cannot pay the enrolment money); for it is better not to have a man at all, than to have him with his wife and children burdens upon the locality — a thing which would render the militia service extremely unpopular. It is not the intention of Her Majesty's Government to take any other steps with reference to the wives and families of married militiamen further than to discharge the men from a position in which they make their wives and families a burden upon the parishes. If such men are not discharged, it rests with the colonel who did not recommend the discharge to accept the responsibility of imposing those liabilities upon the parishes; and I trust that one issue of this debate will be to acquaint the colonels of militia fully with the power they have in that respect. But I do trust that the other and far more serious and important result of this discussion may not be to reduce the militia of this country, and to impair the existing arrangement, which is one I should be very sorry to see disturbed.

The Earl of DERBY said, he did not yet distinctly understand whether the discharge of these men was to rest solely and exclusively upon the responsibility of the colonels of the regiments; because, however unpleasant and awkward it might be to raise any question at the present or at any moment which might have the effect of diminishing the numerical amount and efficiency of the militia force, whatever inconvenience might arise in that way would be as nothing compared to the evil resulting from the promulgation of an impression that Government might tamper with the men who had been enrolled in the militia with impunity. Depend upon it no temporary inconvenience and loss could be equal to the permanent injury and loss which would be sustained if it were to be held that engagements entered into with the Government of the country were not to be adhered to and strictly fulfilled. A great mistake had been made in not fulfilling to the letter, as well as in the spirit, the declaration made by the noble Duke the late Secretary of War, at the time of the introduction of the Act of 1854, namely, that at the time the terms of the enrolment of the militia were altered, the period of the service and the character of the service would be altered altogether and that an individual offer would be made to every single man enrolled under the Act of 1852, to say whether he would or would not enter into the new engagements. If that had been done, if every man had had his free option in the matter, to serve or not, as he pleased, under the Act of 1854, those perplexed questions would not have arisen. Government would then have had men submitting voluntarily to the embodiment of the regiments of militia. Although he agreed in a great deal that had fallen from the noble Earl, he differed from him as to the embodiment of large bodies of militia, which he held to be very essential. He would have those regiments embodied for service in this country according to a well understood agreement with the men, whether married or single. If they did enter into that new arrangement with their eyes open, and with a full knowledge of the circumstances, they would have had no cause to complain and no right to withdraw; but he could not subscribe to the doctrine that it was unfortunate to the men to know that they had that right which practically they had, and he, for one, would be no party to concealing from those men the existence of that right. He agreed with his noble Friend near him (the Earl of Malmesbury) that every man in the regiment, enlisted under the Act of 1852, was liable to be called out for a service of twenty-one days without an order in council, and for fifty-six days under an order in council. He agreed with the noble Earl (the Earl of Ellenborough) that such an order in council ought to be issued for the purpose of placing under training the largest number of militia who were to be used as militia, and not as soldiers; but it was not right that men who had enlisted for twenty-one or for fifty-six days training should, by an alteration of an Act of Parliament, be compelled to go into service for five years, or that their being free from that extra duty should depend upon the colonels of regiments, or upon the will of any other man whatever.

Lord PANMURE said, that if he supposed for a moment that the men in the militia had been ignorant of their rights, whatever those rights might be, he should have been the last man to have adopted or advocated any course of policy which would have kept them in that ignorance. But he believed there was no militiamen who did not know that if he chose to break that service, he might do so legally, being subject always to fifty-six days' service under an order in council. When whole regiments of militia volunteered for foreign service, they all appeared to be re-attested. That proved that they were by no means ignorant of what their rights and obligations really were. He thought he had stated pretty clearly that it was not in the option of colonels to discharge men *mero motu*. He thought he had stated that they must recommend every discharge. They could withhold the necessary recommendation if they pleased, but if they did so they took the responsibility on their own shoulders; but if the colonels recommended the discharge, their recommendations would be complied with if fair grounds were shown for it.

Earl GREY thought it was important that the men should know their rights. So far from agreeing with the noble Lord, he believed that the fact of those who were embodied for foreign service requiring to be re-attested, as no re-attesting was requisite for home service, led the men to the conclusion that they had no right to break that service. The impression was, that the men had no such right without the consent of their colonel. He (Earl Grey) had been assured by the Government on a former occasion, that although they had the legal power of altering a man's engagement, yet that it would not be exercised; that no man should be held to do more than he had agreed to do. The men who were enlisted before 1854 were not aware that there was such a power of discharge. He (Earl Grey) was not aware of it himself; and, indeed, on application to Lord Palmerston, that noble Lord told him, not that the men might be discharged, but that their colonel might give leave of absence to those who claimed it, and he wrote to the lieutenant-colonel of the Northumberland Militia to that effect. But up to that moment he had never heard of this power of discharging them, and the right which the men possessed.

Lord BATEMAN *moved* for an Address for, Return of the number of Married men in every Regiment of Militia, specifying the number who have received leave to return to their homes, in accordance with the permission granted them by the Secretary of State.

Motion *agreed to.*

House adjourned till to-morrow.

HOUSE OF COMMONS,

Thursday, March 15, 1855.

Minutes.] New Members Sworn.—For Tamworth, Sir Robert Peel, bt.; for Portsmouth, Viscount Monck; for Dudley, Sir Stafford Henry Northcote, bt.; for Gloucester Co. (Eastern Division), Robert Stayner Holford, esq.; for Barnstaple, George Stucley Buck, esq.; for Montrose, William Edward Baxter, esq.

Public Bills.—1° Burial Grounds (Scotland).
3° Purchasers' Protection against Judgments.

TORQUAY DISTRICT CHURCHES BILL.

Order read for resuming adjourned Debate on Amendment [13th March] proposed to be made to Question, "That the Bill be now read a second time;" and which Amendment was to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

Sir JOHN BULLER said, he considered that it was very desirable that Torquay should have additional church accommodation, which could only be obtained by such a measure as the present. It was a place with a large and increasing population, and some time ago a proprietary chapel and a new church at Upton were erected, for which latter Sir Lawrence Palk gave the site and a stipend of 150*l.* a year for the minister out of the great tithes of the parish. In consequence of the increase of the town, the new districts were at a distance from all the places of worship, the road between them being hilly and difficult of access for invalids, and Sir Lawrence Palk now again gave the land and a similar endowment for another church, as he had done for that at Upton. The only real question was whether further church accommodation was desirable, and as of that there was no question, he hoped the House would agree to the second reading of the Bill.

Sir WILLIAM HEATHCOTE said, his hon. Friend had not answered the objections that had been on a former evening made with respect to this measure. There was no doubt that a church was needed, and the efforts of Sir Lawrence Palk for that purpose were highly laudable; but the real point was, that what was demanded might be effected by the existing law, and that where this Bill differed from the existing law, it did so for the worse, and sought to lay down a precedent which the House ought to guard against. The Bill gave a power to levy Church Rates, and also to mortgage the pew-rents in the first instance for the expenses of the Bill, and then for repairs, and the charge of the officers of the church, leaving the stipend the last charge, whereas it was usually the first. With regard to the right of presentation, no doubt it was reasonable that the endowers of the church should have it; but that could be done under the existing Acts. He objected to precedents being made in directions against which the House had set its face, and with regard to which it had rather shown an inclination to retrace its steps. On these grounds he felt bound to oppose the second reading.

Mr. SOTHERON said, he thought that no private Bill should be refused a second reading, unless it was shown that its principle was so objectionable that it could not be amended in committee.

Mr. APSLEY PELLATT said, he should oppose the Bill, because it would establish a church rate, and would thus effect a local advantage at the expense of a great principle affecting the whole kingdom.

Mr. PALK said, it was a misconception to suppose the Bill gave a power to levy additional church rates; as it only diverted the rates of this portion of the parish into the district, which would otherwise be payable to other churches.

The Marquess of BLANDFORD said, he should support the Bill, as being a measure promotive of religion in a district of the country which was at present destitute of church accommodation.

Lord SEYMOUR said, he must admit that it was desirable there should be additional church accommodation at Torquay and its neighbourhood, but it appeared to him that the 16th clause of this Bill would have the effect of increasing the church rates. It was not prudent that, while on the one hand, they were anxious to put an end to that vexed question, they should, on the other hand, pass a Bill that would have the effect of not only continuing, but increasing, that objectionable impost. If the 16th clause were taken out of the Bill, he was not prepared to oppose considering the Bill in Committee; but, unless that were done, he should vote against the second reading of the Bill.

Sir JOHN BULLER said, he could inform the noble Lord and the House, that he had had a communication with the agents of the Bill, and that there would be no objection to withdraw the 16th clause in Committee.

Question put.

The House *divided*:—Ayes 125; Noes 74: Majority 51.

Main Question put, and *agreed to*.

Bill read 2°, and *committed*, and referred to the Committee of Selection.

THE CAMP AT ALDERSHOT—QUESTION.

Mr. DRUMMOND said, he wished to know why the soldiers who were to be encamped at Aldershot, in order to learn their duty in the field, were not instructed in that part of it which consisted in the soldier forming his camp and hutting himself; whether the small extra pay which might be allowed for this would not be a saving of cost of labour, as well as be useful for the instruction of the soldiers; and whether the huts were to be removable, and the men to be instructed in putting them up and pulling them down again.

Mr. FREDERICK PEEL said, that it was intended that all the soldiers connected with the camp at Aldershot should be instructed in their general duties, whether in the field or in barracks, and although the barracks in which they would be accommodated were not removable, but were temporary barracks, still it was intended that these troops should be taught the way to pitch and strike their tents, and put them up afterwards, and as that formed part of the duties of a soldier, it was not intended to give them any extra pay for such work.

REAL ESTATES OF INTESTATES.

Mr. LOCKE KING:* I rise, Sir, to move for leave to bring in a "Bill for the better settling the real estates of intestates;" and I feel confident that I bring this great question of justice under the consideration of the House, under more favourable circumstances than I have done on former occasions. Public opinion is now aroused to the injustice of a law which makes a difference, where a parent has made no difference, between one child and other children in the same family; and is not unfrequently the unfortunate engine by which a widowed mother and a whole family of dependent helpless children are rendered destitute, in order that one member of the same family may, through their poverty, become powerful, pampered, and luxurious. It is a law which creates a very anomalous and frequently a very inconvenient distinction between one class of property and another, for even in the very same class of property, in landed property, which it intends to take under its own peculiar patronage, in order to carry out its own intended injustice, land is made to differ from land. Not only on the very same estate, but in the very same field, in the very same house and garden, the property belonging to the same individual, where no one could tell there could be the least difference, the technicality of an absurd law makes such a distinction that one part of the field, or even of the house, is a distinct property, and descends in a different way from the other. What I propose, is by a very simple, short and just measure to do away with all these cruel distinctions in families, and at the same time with these anomalies in properties, by applying a good and sound principle, and one uniform law to all properties, of all persons who die intestate.

As there are many persons who are entirely ignorant of the nature of my proposal, as well as others who, I regret to say, have found it convenient to put a false interpretation on my intentions, I will at once state what is the change I really do propose to make. At the same time I will give an unqualified contradiction to those assertions which have been ungenerously made for the convenient purpose of prejudicing unthinking persons against a just measure. I merely propose that where a person dies without having made a will, possessed of real property, that the law should make a just will for him, that it should make the same will for him, as it would have made if his property had been personal instead of real, or if his family consisted of daughters; that the law should no longer make for him the unjust will it now does, a will which every one, whatever may be his prejudices, cannot say is founded on justice, and which the deceased individual would have been ashamed to make for himself. The law which relates to personal property under similar circumstances, and to leasehold land, leased for 1,000 years, which in many respects is better than freehold, or to houses which in this metropolis are leased for ninety-nine years, is a just law; no on ever ventures to complain either of the injustice or of the inconvenience of distributing all such property to the next of kin. Now all I ask is, to have the same law applied to all the property of all who die intestate. This simple alteration of the law, founded on the most undeniable justice, will at once remove all the anomalies which now exist. The law will then be the means of creating equality, harmony, and content in those families where the parent has neglected to make a will. We shall then hear no more of those cruel inequalities, of those miseries which cannot be concealed, or of those secret discontents of which the present law alone is the cause.

I have now stated clearly what I do propose. I will proceed to state what I do not propose. I have been accused of being anxious to interfere with the power of willing property; quite the reverse, for I should like to see that power much greater in this country than it now is. It is a most valuable privilege, and at the same time a great and solemn responsibility. I feel confident that if the parents in many of our noble and great families had more power over their eldest sons, we should not see so many instances of sons, who, in spite of the earnest entreaties of their parents, have been led into vicious and bad practices, borrowing money at exorbitant rates of interest of the Jews, solely because they are independent of their parents. It is reversing the natural order of things to make the son independent of the father, the father dependent upon the son. Then I have been accused of desiring to introduce the French system of succession into this country; quite the reverse, for however much France may have profited by that law, I feel that it is open to the very same objections your system of entail is open to here—the interfering with the paternal authority. Here you make by entails one son independent of his father: there all are to a lesser extent independent also. It is by resisting just measures of this kind you yourselves are much more likely to introduce the French law. For when justice is delayed or refused, we have often seen a sort of compulsory justice established, as in France, and which savours much of tyranny. It is well known to those who have read the discussions which took place on this particular point in the Code Napoleon, that Napoleon was not in favour of the law as it now exists in France; he wished the father to have more power over his children.

I have said thus much to allay the fears and the prejudices of those who are opposed to me, and who dread this measure, lest it should interfere with the power of making a will, or lest it should introduce the French law into this country. I can positively assure the House that this Bill cannot affect it—I have no such intention; and no one who supports this Bill, with whom I have conversed, has ever expressed such a desire, but the contrary. I must add, that after what I have said such a fear is an unmeaning fear; if it amounts to anything, it is a fear lest the law should provide for all the children of an intestate out of his own property, lest the eldest son should suffer by having his own brothers and sisters provided for out of an estate, which during his father's life, had been used for the benefit and support of all. It is not a fear, but, if persisted in, a bitter determination that younger children should, where a father has nothing but land, be deprived by the law of all support. What we ask is simply this, that where an individual dies without a will, the law should make a just one for him founded on a principle, instead of the unjust one it now does, founded on no other rule than that of injustice. If any person likes to leave the whole of his property, whether real or personal, to one child, to one individual, this Bill cannot prevent him; the only difference will be that he must do it by will; if the act he is desirous of performing be an unjust act, he must put his name to it; the law would, if this Bill pass, no longer do it for him. This really is the whole of the Bill, and yet every possible prejudice has been invented against it. Ingenious, not ingenuous persons have appealed to the pride, to the bad and ungenerous passions of men in order to get them to prejudge the case, and raise up a clamour against this measure. They have endeavoured to blind them and to keep justice out of their sight, and certainly have, I fairly admit, in certain classes for a time succeeded.

I have thus been obliged explicitly to state what this Bill will do and what it will not do, because of the many misconceptions which have been formed about it. One noble Lord (Lord St. Leonards) and one of the ablest of the law Lords, seemed to boast with peculiar pride that the other House would very easily dispose of a measure of this kind. No doubt, if they shut out argument and justice, and only legislate for their prejudices, they can without a debate, without an argument, reject it. But the same noble Lord certainly surprised me when, after saying there might be much argument on the subject, he stated why a measure of this kind should be opposed, and why it was unwise to introduce the change. He at once showed that he did not understand the question; he built up a castle that any one might knock down with the greatest ease, because it had no foundation. His reason was, the effect produced by the system of minutely sub-dividing landed property in France. Now the effect of the law of equal division in France can really have nothing whatever to do with what may be the effect of this Bill. In France the law is compulsory; no one can make a will as he chooses: the law in every case disposes of, and divides the greatest part of every person's property, whether landed or moveable. The French feel the nation can make a better will for the individual than he can for himself. They take away from him the absolute power of making a will, and give him only a very limited power. All that this Bill proposes is, that where the individual has made no will, the law should provide for all his children. He will have the most absolute control and power over all his property.

I may say, when persons, like Lord St. Leonards, are inclined to legislate solely because of the effects which are to be observed in other countries from different systems, I might ask them to look at Ireland—there you have had the greatest evils that can arise out of small cultivation, caused alone by a most needy class of large proprietors. But this Bill could not even touch those great estates, they are mostly settled and entailed, and where they are not, can be left by will.

But when persons only talk of the good

Mr. L. King

or bad effects of this or that system, let me show the House the real misery, the cruelty, and oppression which do arise out of the present law. If they are not inclined to argue on the justice of the case, but to reject it, perhaps the effects and the way the law really works, may induce them to alter it.

I will now show by actual cases of real hardship how this most unjust law really operates.

"In the year 1826, the owner of landed property to the amount of 15,000*l.*, died suddenly, leaving a wife and ten children. His personal estate, to the amount of 4,000*l.*, was entirely absorbed by bond and other debts. His eldest son, who had been well provided for by inheriting the fortune of his maternal grandfather, took the whole of the landed property. A will which the father left, and which proved inoperative, showed his intention of providing an annuity for his widow, and dividing all he left equally among his children."

The heartburnings and estrangements of feeling caused in this case were great.

Here is another case where the relationship was more distant, and if the unjust operation of the law be not greater, the ill feelings caused by it were more serious than even in the former case—

"Some short time ago, two bachelor brothers died intestate, at a very advanced age, within twenty hours of each other, leaving real estate to the amount of 1,000*l.* yearly, and personalty about 1,500*l.*, with instructions, often verbally expressed, that the whole real estate, as well as personalty, should be equally divided between their two nephews, John B. and William B., two brothers. To this equitable distribution of property laboriously acquired there seemed no disposition to demur, until some few weeks after the decease of the uncles, when the elder brother, John, claimed the real estate as heir at law, and one-half of the personalty. What are the results? An enmity which will never cease until the grave covers it."

I will now give another and a most interesting case, where a father has escaped in the most providential manner, and has, by making a will, prevented the law doing a most serious act of injustice for him. This case will give a very good answer to those persons who say that the state of the law is generally known; the law is not, I maintain, known. I give the name in this case, because the person is extremely anxious that his case should be known, in order that others may take warning and make their wills in time—

"William Collins, of Walton-on-Thames, seventy-threee years of age, the bulk of whose property is in land, has always been looked up to by his neighbours as a person well informed in matters relating to property. Being taken alarmingly ill with a mortal complaint a few weeks ago, his medical adviser thought it right to ask him if he had any final arrangements to make. He said, in reply, that there would be no occasion for him to make his will, as he wished his property to be divided among all his children, and the law would do that for him. He was most fortunately assured he was in error, for that his property being in land, it would all descend to his eldest son, and his other children would have no share of it. Upon this he made further inquiries, and finding the state of the law was so, he sent for his solicitor without loss of time and made his will. He has now partially recovered, and has expressed the deep gratitude he feels both on his own account, and on account of his children, that he has been made aware of the true state of the law. He admits that he had great difficulty in believing a law of so unjust a nature could be in existence."

There is a class of cases also of extraordinary cruelty to which I will now refer, where not only the law of succession works its own injustice, but also the law relating to marriages comes to complete, and if possible add to, that injustice. A will is made by an owner of landed property in order to defeat the injustice of the law, in order to prevent all younger children being left destitute. A marriage settlement is also required by every thoughtful woman, for no other reason generally than to prevent her being deprived of everything she possesses, and in order that some sort of a provision may be made for her. These cases will at once show the extraordinary injustice and double cruelty of the present laws.

"J. N., plumber and glazier, married the daughter of a respectable farmer, who gave her several hundred pounds. No settlement was made, and some time after the marriage the husband laid out the whole of this money in the purchase of a piece of land. He subsequently died intestate, and without children. The land went to the heir-at-law, a nephew, and the widow was left entirely destitute. She is now a menial servant in a farm house."

I will now trouble the House with only one other case out of many—

"A. B. was a dealer in provisions, &c.; he had a wife, but no child—they were a most careful and industrious couple, and had amassed besides the stock in trade, furniture, &c. some 2,500*l.* There was a nephew living, who had been a great favourite with them, but on growing up he had become a thorough scamp. A. B. made a will in favour of his wife, who had, in fact, done as much to earn the property as he had. They were in the vale of years. At the time I speak of, there was a freehold little farm to be sold in the vicinity. The price was 3,000*l.* A. B. had book debts, stock in trade, &c. and 2,500*l.* in cash. He knew he could, with a little temporary borrowing, compass the purchase, and stock the farm—he signed the contract, and paid the deposit. Somebody suggested that he must alter his will, or his nephew might succeed to the estate instead of his wife. The poor man said, 'it will be time enough to do that when the place is my own, I will make a new will that very day.' Alas, there was not time enough. He died suddenly, before the purchase was completed. His poor wife, as executrix, was compelled to complete the purchase, and what with the expenses of some litigation, every shilling, and every chair and stool went away from her, the nephew took the estate, and the woman lived on charity."

I have now quoted cases of real hardship, and I admit that if cases of similar hardship could be quoted as having arisen in consequence of the law relating to the personal property of intestates—they would have weight. But nothing of the kind—a noble Lord (Lord J. Russell), on a former occasion, attempted to strain himself into a belief that if this Bill were passed into a law much hardship would arise. Against my real cases of great hardship, he adduced an imaginary one. He said, "suppose a landed proprietor brings up one son to the bar, and he becomes a Judge; another is in the army, and he becomes a General; the father has spent largely in educating the one and in buying a commission for the other, it might so happen they might be better off than the eldest." Now, it is quite clear that the noble Lord had not looked carefully into this question. I propose to apply the statute of distributions to landed as well as personal property. In that statute there is a clause with respect to "advancement," the object of which is to make all the shares of the children of the intestate father as near as possible equal. It is expressly enacted that any child who has been advanced by the intestate in his lifetime, shall bring that portion he has received into hotchpot, and receive so much less of the surplusage. This imaginary castle falls in the same way Lord St. Leonard's castle fell, because it has no foundation.

I might give a number of cases of hardship. But I have also looked carefully into what my opponents have written and said on this subject, and I think no one has in a more careful and spirited way shown up the technicalities and oppression of the law, than Lord St. Leonards himself.

Lord St. Leonards, when Sir Edward Sugden, thus expresses himself in one out of a series of letters he wrote—the object of those letters, no one can doubt, was to warn the possessors of property against the anomalous state of the law—

> "A moment's reflection will show what serious consequences may follow from a neglect on your part, for suppose you purchase an estate with the 50,000*l.* in the funds, which you have given by your will to your younger children, and which constitutes the bulk of your personal property, and should neglect to devise the estate, the money must go to pay for it, at the expense of your younger children, who would be left nearly destitute, whilst your eldest son, to whom the estate would descend, would have an overgrown fortune."

Lest any one should imagine that this is a rare instance of hardship, I call the particular attention of the House to his own remark in the very next sentence; this great authority goes on to say, "Distressing cases of this kind are continually occurring."

I now proceed, still reading an extract from my opponent, in order to prove my case—the horrible injustice of this law—and he continues—

> "If your personal property undisposed of is not sufficient to pay for the estate, it would be better, perhaps, to direct it to be sold again, and the first purchase money to be paid out of the money produced by the resale."

You must here remark that even he, even Sir Edward Sugden, that most astute lawyer, hardly knows how and what to advise; the technicality of the present law really does seem to be too great even for him. At all events, his plan of solving the difficulty certainly does not seem to be a very simple one. He then goes on to state another case of great importance; I give it in his own words—

> "You must remember, that in devising or suffering an estate to descend which you have purchased and not paid for, your devisee or heir will be entitled to have the purchase-money paid out of your personal property, although you may have given it all to another person. A most vexatious case once happened. A younger brother agreed to purchase an estate from his elder brother; the conveyance was accordingly executed, but the money was not paid. The younger brother then made his will, giving his property to his brother, subject to legacies, and made him executor. The will, however, was not executed so as to pass the estate. The younger brother died, and the elder brother took the estate as his heir, and also paid himself the purchase-money out of the personal property, by which he disappointed the legatees, who lost their legacies, whilst he got both the estate and the purchase-money for it."

Now these distressing cases of hardship, which really are continually occurring, are referred to by Lord St. Leonards, when Sir Edward Sugden, with the view of warning individuals as to the state of the law. Is it not, I would ask, imperative on the Legislature after such a warning, and when its attention is called to this deplorable state of the law, to take care that no such distressing cases shall ever again occur?

Let not hon. Gentlemen imagine for a moment that this Bill will affect the unjust rights of eldest sons alone, and that the eldest son is the only member of a family who has these unnatural rights, for the rights of the youngest son in many places are just as oppressive and unnatural.

There are many places where the custom of Borough English prevails, where the youngest son inherits all the land of his intestate parent, to the exclusion of all his brothers and sisters. There is a large tract of about 40,000 acres in the neighbourhood of Taunton, where this custom prevails, and from which neighbourhood, the right hon. Gentleman the Member for Taunton (Mr. Labouchere) presented a petition to-night in favour of this Bill. That petition was more respectably signed than any which ever came from Taunton, and by persons of all shades of politics. The circumstances under which these rights commenced, have now ceased. The law has survived the occasion for which it was at first introduced; that law which was necessary once, is now no longer so. You no longer require that land should be kept in few hands, and descend to the eldest son as a means of protection. You may say that it is necessary it should thus descend for other purposes, but the original object has altogether ceased. Neither is it any longer necessary that land should descend to the youngest son, where the custom of Borough English prevails; for those most revolting, disgusting, and tyrannical rights have long since ceased, which alone made such a descent imperative. These laws, which belong to other times, are no longer required; having arisen out of the necessities of other times, they can no longer be supported either by argument or by expediency.

Is it right, I ask, that the Legislature should allow these laws, however necessary they once were, to exist any longer in the oppressive state they are now in? We must look upon all these laws and customs, with regard to landed property, as a part of a great military system. A foreign enemy encamped on these shores and made such laws as they, without the concurrence of the nation, considered best adapted for the purpose of subjugating a conquered people. Those laws still remain, but we, the Legislature, ought not to treat that people whom we profess to represent, any longer as a conquered nation. There has been no great modification in those laws for more than 300 years, when an inroad was made upon this great military system, and an owner of land for the first time had the power of bequeathing land by will. Till that time, it may be said, as far as land was concerned, we had a law of primogeniture, for no one could leave land by will. I find in Kent's *Commentaries* that so great was the dread of land being alienated, "that the hand of him who knowingly wrote a deed of alienation was directed to be struck off." We live in other times—there is now a general desire that land should be alienated with facility, that the transfer of land should be easy.

I heard with delight a speech of the Solicitor General at the Law Amendment Society—he confirmed these views, and said that he saw no reason why land should not be as easily transferable and divisible as money in the funds. If it be a good and sound rule to make land easily transferable, and to treat it in this respect like personalty, how much more essential does it seem, to let it descend also in the same just way that personalty now does. This is a part of the question, the justice of which is much more cared for by the people out of doors, than the transfer of land. It is often said why, when every one can make a will and leave his land to whomsoever he pleases, why should you alter a law which works well, and gives all to one child, and no portion of it to any of the other children? Now I deny that it does work well, and I say, moreover, that it is most unjust. I would remark that life is extremely uncertain, there is too often a carelessness and propensity to procrastinate and delay making a will—that repugnance is often carried so far, that even persons have on their deathbeds expressed their wishes in the clearest manner, so as not to leave the slightest doubt, and yet those intentions could not be carried out because they had not been legally expressed, in short, for no other reason than that the deceased had a repugnance to making a will.

The result of these laws of succession to real property is, that unfortunate families of helpless young children with their widowed mothers, are plunged from comfort into misery and want.

This, indeed, is an artificial system, but is it not a huge imposture to pretend for a moment that it can be right to allow the law to remain in such a state—can it be lawful to persuade the heir that he is doing right in taking all from all his brothers and sisters, only because the law gives him an unjust right to all? I am sure those who have done so have thus acted in blind ignorance—they can never have thought of the justice of the case—if they have thought at all, they have justified their conduct under the comfortable garb of expediency. I do not say to any one who may have thus acted, to restore that to which he has an undoubted right as far as the law is concerned, though a most questionable one as far as justice is concerned. This I do not ask, but what I do ask is, that you should assist in making a just law now, and thus prevent any one from hereafter being placed in the unsatisfactory position, those who have profited by the existing law must feel themselves placed in.

We have been told that it would be dangerous to alter these laws of succession and to remove this part of a vast military system of organisation, for that if we did it would endanger our institutions, and that they are necessary for the support of the aristocracy. But we have been told also the very same thing, with regard to another portion of our great military system, the regimental system which prevails with regard to promotion in the army. It has been gravely asserted that to allow the common soldier to rise from the ranks, as he does in the continental regiments, to reward as it were merit in him, to treat him with common justice, to do unto others as you would wish to be done by, that this would also destroy our aristocracy and our army.

Have not the awful successions of catastrophes, which have arisen solely from the extraordinary rottenness of our military system, taught us another lesson; and now we are, at last, when it is almost too late, prepared to reverse the system; to concede tardy justice to the soldier, and reform with one dash of the pen the whole of our military system. You refused to treat your common soldier with justice. You kept him in a degraded position, where merit would have elevated him, because you imagined it was expedient. You now, at last, in consequence of mismanagement in every department, find that it is expedient to be just. You have refused justice, nay, even sustenance to the widow, and to all the younger children of their intestate father, unjust as it might appear, because you said it was expedient. You have found it expedient to degrade all the younger children of a parent whose property is in land; you do not acknowledge their existence, you treat them as if they were illegitimate, and unknown to the law; this treatment you have found to be expedient. May you not find that it is expedient to be just, and to remodel the great cruelty and injustice in this part of the great military system.

We mourn over the loss of an army, which has been hurried through our military mismanagement, to an untimely grave; we cannot recall those who are gone, but we may prevent such sad catastrophes again occurring. Neither can we recall and restore to their proper and natural positions in society, the widow with her degraded and insulted children, who have been suffered to pine away, and are now dragging on a wretched existence, solely in consequence of these cruel and unjust laws. We cannot undo this injustice of the past, but we can, by passing a just law, prevent future generations being ever again placed in a similar misery. I hope the House will not refuse me leave to bring in this Bill. If you do refuse it, you will at once proclaim that you have a perfect horror of justice where your prejudices are concerned. I entreat you not to let it go forth that this House, which is almost the only representative assembly now left in Europe, holds in its hands unequal balances and false weights; but I sincerely hope that we shall be able to show our institutions are a model for Europe, and that we shall prove, by passing this Bill, we are willing to do justice, and to remove oppression, wherever it is to be found.

Mr. MASSEY, in seconding the Motion, said, that considerable misapprehension existed that this measure would lead to ulterior consequences of a very grave and extensive nature; but his hon. Friend did not propose to introduce a new law; he only sought to extend the provisions of a law which had been in existence for two centuries, and which already controlled the great mass of the property of the country, namely, the Statute of Distributions—a law, the wisdom and policy of which no man could contravene. His hon. friend desired simply to comprehend in the Statute the remaining portion of landed property not now embraced in it. He (Mr. Massey) did not know that he went so far as his hon. Friend in thinking that this measure would have as extensive an operation as he supposed, or as some, who objected to it feared. He believed it would not have that extensive effect. Personal property, leases of nine hundred and ninety-nine years, leases at rack-rent, mining property—probably half the real property of the country—were at present subject to the law which regulated personal property and chattels. The law which had been in operation for two centuries had affected that vast mass of property, and, therefore the House was in a position to judge accurately of the effects of that Statute. There was ample proof of the salutary operation of this law, and on the experience derived from its working he principally founded his advocacy of the measure his hon. Friend asked leave to introduce. He hoped the Government would not oppose the introduction of the Bill, and he could not conceive any valid reason for such a course. The argument that it was a measure that would have an injurious effect on the institution of the aristocracy of the country was without foundation. He considered it almost an insult to him to charge him with being opposed to any of the great institutions of the State. Aristocracy had a much more solid foundation than those who used such an argument could suppose. But our landed aristocracy was founded not on the law of primogeniture, but on the law of entail. He certainly did not wish to see the existing order of society in this country disturbed. But, in reality, the question before the House did not touch the question of aristocracy at all. The alteration proposed by his hon. Friend would come to this—that it would relieve some small owners of heritable property from the ill effects of their own ignorance. Men who purchased a few acres of land did not do so with the view of founding a family, but of obtaining interest for their money, and it was estates such as these which it was sought principally to bring under the operation of the law of Charles II. It might be said that this proposal would discourage agriculture. But they had the experience of the last two centuries to guide them; and he asked hon. Members if they found that agriculture had been diminished through the effects of the Statute of Distributions? If he thought agriculture would be injuriously affected by this measure, he would not give it his support. He trusted that the House would permit his hon. Friend to bring in his Bill, and then, when in Committee, he would be prepared to hear and discuss any objections that might be made to its details.

Motion made and Question proposed, "That leave be given to bring in a Bill for the better settling of the Real Estates of Intestates."

The SOLICITOR GENERAL said, there were some subjects which the House should not let go further, and towards which they should not exhibit any hesitating determination, and one of these was, whether they should admit a Bill to be brought into the House which undoubtedly had for its object, and which unquestionably would have for its result, the altering of some of the most important and established institutions of the country. There was a great distinction between a measure framed with a view to an amendment of the law and a measure which, whatever might be the intentions of its framers, would directly shake the institutions of the country. To all measures calculated to effect an amendment of the law, he trusted that the House would ever afford a ready ear, and an anxious attention; but to a measure for removing the landmarks of some of our valued and most important institutions—for taking away some of the foundation stones of the constitution—to any such measure he hoped the House of Commons would answer, as their ancestors did of old, *Nolumus leges Angliæ mutari.* This proposition had been debated last Session, and the adverse opinion of the House was most unmistakably declared, by a majority of three to one, and he now called on the House to reject it again by a majority as decisive. The argument urged by the hon. Gentleman who introduced and seconded the measure was an appeal to hon. Members in certain cases of hardship, which they said could not be remedied without their interference. The hon. Gentleman who introduced it to the notice of the House cited a great number of instances of contract for the purchase of estates where the whole of the personal property, in consequence of the death of the purchaser, had been absorbed by the money due under the contract, the estate going to the heir and the younger children being deprived of their proportion. But that was not due to the law of primogeniture. The result proceeded from a contrary principle. In every contract which was to be carried into effect after the death of a party, his personal property was liable at his death to the contract. Whether it be right or wrong that personal property should be liable for the payment of debts was a question altogether beside the one now before the House. With respect to the law of primogeniture they had heard most contradictory arguments—that the law they proposed to alter would affect the most important classes in the empire, the aristocratic branches—that it would affect the great estates—and then it was said on the other side, that it was required to dispose equitably small estates, affecting the lower classes. One hon. Gentleman said that the greater part of the large estates went by the law of entail; but if the law were altered, what became of the principle upon which our settlements were founded and maintained? Would the great settlements of the country be permitted to remain if the law of primogeniture was taken away? The hon. Gentleman who brought forward the measure knew that, should they abolish the law with respect to the succession of the eldest son, the whole principle and form of arranging settlements, and the foundation on which the order of estates was fixed, would fall, and they would have nothing more than estates divided indefinitely, to the great disadvantage of the country economically, socially, and, he would add, that to which the hon. Member who last addressed the House had referred, agriculturally. It was said, too, that this was a question based on the principle of natural justice. But the institution of property and of landed estates was the creature of positive law, and that law was regulated by our political institutions; and they could not alter the one without materially affecting the other; therefore, the question was not to be discussed upon any abstract principles of natural justice, but it must be considered upon the principles by which the constitution of the country was established. He contended that in adhering to the rules of property which had been laid down from the earliest time, and in reference to which their institutions were moulded, they would not at all violate any principle of natural justice. But even if any such principle were violated, it belonged to the Legislature to consider whether any greater advantage did not accrue to society from that partial deviation from the general principle than from an invariable adherence to it. He begged hon. Members would not consider that in abiding by a rule laid down from the earliest times they would violate any principle of natural justice. But even if there was any principle of natural justice violated by it, it was for the Legislature to consider whether there were not many great social advantages resulting from this institution. He did not know anything that was more important to preserve in this country than the great rule by which the landed property of the father passed to the eldest son. There was not a profession, calling, or occupation in the country that did not swarm with numbers of industrious, intelligent, earnest, active younger sons, whose industry was stimulated, intellect excited, and talents called forth and matured by the mere circumstance that they had to depend on their exertions, and would not have the property they might probably be looking to if this great institution were abolished. The whole constitution of society had been framed on the existing principle, and what were the reasons to induce them to consider the propriety of uprooting the foundation and altering the principles and rules by which the whole of the people of the community had their expectations and views regulated and determined? Having had no apprehension that this matter would be brought forward until he came into the House, he was only expressing his thoughts in a desultory way; but he considered that he should be failing in his duty if he did not declare his decided conviction that this matter, now again introduced, came recommended by no new argument, nor by anything that could induce them to entertain a different opinion respecting it from that which had been repeatedly expressed by that House and by the best-informed persons out of it. With regard to one point to which the hon. Gentleman (Mr. L. King) had directed attention, namely, the anomaly existing with regard to the peculiar custom respecting descent which prevailed in a very small part of the United Kingdom, whereby the younger son, instead of the elder son, became the inheritor, if the hon. Gentleman would direct his attention to it, it might be a proper subject for discussion, but any attempt to alter the great institution to which his Motion had reference should not be entertained by the House of Commons.

Mr. EWART said, he should support the Motion for the introduction of the Bill, which was similar to the one introduced by his hon. Friend on this subject last Session, and he had seen no reason to change the opinion he then entertained on the subject. He believed this was a question which could only gain ground by discussion and experience. The hon. and learned Gentleman the Solicitor General appeared to apprehend that it was a measure which would affect one of our most ancient institutions; but he (Mr. Ewart) did not know what institution the hon. and learned Gentleman could mean. The descent of property by due course of law was no institution. He denied that the proposed measure involved any change in the institutions of the country; what it was really proposed to do was to alter the law so as to suit the existing wants of society. The hon. and learned Gentleman had sheltered himself behind that venerable quotation—*Nolumus leges Angliæ mutari*; but why did he stop there? Why did he not go on with the sentence—*quæ huc usitatæ sunt et approbatæ*? He (Mr. Ewart) was equally opposed to the law of France and of Norway, and to the old Roman law of compulsory division. He was for perfect freedom in the distribution of property by will; but when, in the absence of any will, the law made an unjust distribution of that property, then it became the duty of the Legislature to reform that law. It was, therefore, under these circumstances that he supported this Motion. He believed it was a measure in conformity with the changes which had taken place in the opinions and feelings of society, and one which would anticipate and prevent those evils which infallibly resulted from reforms which were too long delayed.

Mr. WARNER said, he must complain that the question had been argued on both sides too much as a question of natural justice. For his part, he regarded it as one of pure expediency. There was not a shadow of reason why the elder son should receive more of his father's estate than his brothers, unless they went back to the law of Moses; but on the other hand, if they insisted on an equal division, they could not stop there. In order to be consistent, they must carry out the principles of socialism, and assert that every man had an equal right to everything, and that property was robbery. He (Mr. Warner) thought the custom of primogeniture was an exceedingly good one. It was a custom which was strongly recommended, both by antiquity and universality, for it had existed from the earliest times, and had prevailed in every part of the world. If, therefore, it was a question between our English custom and the French custom of continued subdivision, he should say by all means let us keep up to our own law, with all its anomalies, all its difficulties, and all its absurdities, rather than resort to a system of enforced subdivision, which had proved most disastrous to all that had been subjected to it. On the other hand, while it might be right for a man to keep up his name and family, it was still more right that no citizen of this country should be left to starve. He should therefore support the Motion for bringing in this Bill; because he believed that by the measure they would obviate many cases of suffering without materially altering the present system, with which he thought it would be undesirable to interfere to any considerable extent.

Mr. LOCKE KING, in reply, said, that his hon. and learned Friend the Solicitor General seemed to have prepared his arguments previously to hearing his (Mr. L. King's) speech, for he had made an elaborate defence of primogeniture, which had not been attacked. He was surprised that after his hon. and learned Friend had said he was in favour of the amendment of the law, he should oppose the present Motion.

Question put.

The House *divided*:—Ayes 84; Noes 156: Majority 72.

REAL PROPERTY, &c.—THE PROBATE DUTIES.

Mr. W. WILLIAMS said, that on several former occasions he had called the attention of the House to the great injustice of imposing the probate and legacy duties upon personal property of every description, while real property was exempt from both. This injustice had its origin in the year 1796, when Mr. Pitt brought in a Bill to subject all descriptions of property to the payment of probate and legacy duty; but the powerful landed aristocracy of that day compelled him to divide his measure into two Bills, one to impose those taxes upon personal property, and the other to impose them upon real property. Mr. Fox opposed the separation on the ground that if the tax were imposed upon one description of property, it ought to be laid upon all; and his view was strongly supported by Mr. Pitt. However, the measure, as he had stated, was divided; and while the Bill relating to personal property was carried through both Houses with little or no opposition, the other was successfully resisted. The injustice thus done had been partially remedied by the introduction of a Bill by the right hon. Gentleman the late Chancellor of the Exchequer (Mr. Gladstone), to whom the country was deeply indebted for the measure, although it only went to the extent of laying one-half of the legacy duty alone upon real property. So far, however, from blaming the right hon. Gentleman, he thought that he had acted with great wisdom and discretion in not attempting to do more. Such was the opposition with which the right hon. Gentleman had to contend, that he believed there was no other man in the country whose ability and resolution would have enabled him to carry it through Parliament. The Motion, however, which he (Mr. Williams) was going to propose, had reference solely to the probate duty, and as the circumstances both of that and the legacy duty were precisely similar, he could not conceive how any one could object to his proposition. If the right hon. Gentleman (Mr. Gladstone) were still Chancellor of the Exchequer he should appeal to him with hopeful confidence; and he trusted that he might also do so with the right hon. Baronet who now filled the office. When he (Mr. Williams) brought forward the subject on previous occasions, the only argument with which he was met was, that landed property was subject to stamp duties on conveyances and mortgages so heavy as fairly to counterbalance the legacy and probate duties. But five years ago, at a sacrifice of 450,000*l.* per annum, the stamp duties on conveyances and mortgages were reduced to precisely the same amount as those paid on the transfer of railway and canal property, of joint-stock bank shares, and every other species of personal property, except shares in the Bank of England, the Bank of Ireland, and the East India Company. That argument, therefore, had ceased to be valid. The House had lately voted something like 40,000,000*l.* for carrying on the war, and the Chancellor of the Exchequer would shortly have to provide that sum, and very possibly a great deal more money would be wanted for the same purpose. Now, if the right hon. Gentleman accepted the proposal which he (Mr. Williams) was now making to the House, he would at once obtain 2,500,000*l.* not by imposing any additional tax, but by doing a simple act of justice—that of imposing the same tax on land as is paid on all descriptions of personal property. The right hon. Gentleman might depend upon it that if he attempted to raise the money either by new taxation or by loan before he adopted this just principle of taxation, the country would express the strongest disapprobation of his conduct. To show the unfairness and anomalies of the present system, he might remark, that while the stamp duties on probates from 20*l.* to 80,000*l.* varied from 3 to 2½ per cent, above 80,000*l.* paid only 1½ per cent. Why should the larger properties be thus indulged? But this was only one specimen of the unfairness which was to be found in all our arrangements relating to taxation. Again, legacies chargeable on land paid no probate duty whatever, and the rich landed proprietors were thus exempted from taxation in providing for the younger members of their families. But how did they deal with the tenant-farmer? They valued his lease, all the improvements he had made on his farm, his stock, his implements, and everything he had, even to his wearing apparel, and they charged the probate duty upon that valuation. Houses built on freehold land paid no probate duty; but those built on building leases, which was the case with the great majority of houses in this country, paid probate duty on the full value of the lease. Land held on a lease for 1,000 years, which was as good as freehold, was made to pay probate duty in proportion to its value, while freehold land was wholly exempt. When the Legacy Duty Bill was before the House, much was said about the hardship on heritors having to pay the duty, which only amounted to one-third of a year's rent, and for this four years and a half credit was given. If a man had a legacy of 1,000*l.* left him, he must pay the duty in sixty days. If a man engaged in commerce died, leaving stock and book debts valued at 20,000*l.*, though his estate might only pay 10*s.* in the pound, the administrator had to pay duty on the full amount, and there was the greatest difficulty in getting any portion of it back. As an example of the anomaly of this tax, he would take the Duke of Bedford's estate—that in Covent Garden—the leases had recently expired; the property had passed into his Grace's hands, and was not liable to a farthing of duty. His other estates about Russell Square were still under lease; and the leaseholders were liable to the duty. By the law of Scotland, houses built on another man's freehold were considered part of the freehold, and paid no probate duty. The case was the same with mortgages. The result was, that property of this kind in Scotland was wholly exempt. Another instance of the injustice of the tax as at present levied was afforded by the late Duke of Portland's estate. He left one of the largest estates in England, which was inherited by his heir; he also left personal property of about 1,000,000*l.*, on which, if left to the younger children, they would have to pay 1 per cent legacy duty and 2½ per cent probate duty. Legacies were left to the servants, and they actually had to pay 10 per cent. legacy duty and 2½ per cent probate duty. The result was that the younger children paid on the personal property seven times more duty than the young Duke paid on his freehold estate, and the servants paid thirty-seven times as much as he did. Recently Mr. Benyon de Beauvoir died, leaving property worth 7,500,000*l.*; of this 1,000,000*l.* being personal property, paid probate duty; and all the rest escaped. The late Chancellor of the Exchequer had brought all kinds of property to his net in the Succession Duties Bill; but he was told that lawyers could still contrive to evade it; and those evasions all applied to the legacy duty, not the probate duty. Lord Stowell, one of the most eminent lawyers of the day, had transferred his property to his son by a regular deed, to evade paying legacy and probate duties; the son died before him, and he had to apply to the Court of Chancery, and contrived to evade the payment of the duty. The late Mr. Porter, in his *Progress of the Nation*, said that not three in ten of the estates of persons who died paid any probate or legacy duty at all. It appeared that in 1848, on the property of only 26,000 persons who died, probate duty was paid, the property left by 17,000 of whom was of less than 250*l.* value; showing that the duty was evaded to a great extent. He estimated that a revenue of 2,500,000*l.* might be derived from extending the probate duty to real property. At present the average payment was 2 per cent; he understood the same amount of property very nearly paid the legacy duty and the probate duty; and including impropriate tithes, corporations, colleges, bishoprics, and deans and chapters' property, the amount he had named would be greatly increased. The corporation of London obtained 60,000*l.* a year by taxing all the coals which came within twenty-five miles of London—why should they not be taxed to the probate duty? It might be said, because corporations never died; but means might be devised of bringing their property to charge. There were also the livery companies, all which had large incomes—they ought also to be charged in the same way. He would also extend the tax to the two Universities, to bishoprics—not touching the present income of the bishops—and to deans and chapters. Including these, he thought 2,500,000*l.* a very low estimate of the amount to be raised by the proposed tax. In rendering holders of real property liable to it, landlords would only be paying the same tax as their tenants and menial servants. Nothing could be more consonant with justice than the proposal he now made. Both the late Chancellor of the Exchequer and his predecessor had acknowledged the partiality of the existing probate duty; the latter Gentleman had said that he saw no difference between a privileged noble and a privileged tobacconist. He could not conceive on what ground his Motion could be opposed. It had been said by the Opposition that land was more heavily taxed than any other property. This he denied, and was prepared to prove that the industrious classes were far more heavily taxed than landowners. It was commonly said out of doors that our representative system was on its trial, and nothing could bring it into greater contempt with the people than for the aristocracy to make use of it to exempt themselves from taxation. Could any man oppose this Motion, and call himself a just man and a Christian?

MR. HADFIELD said, he cordially seconded the Motion, believing that the existing law was in a very unsatisfactory state. He had been under the impression that there was an understanding come to with the late Government that the probate and legacy duties should be extended to real property. It was high time that those hateful distinctions between one class of property and another were done away with. While between 18,000,000*l.* and 19,000,000*l.* of taxation were contributed by the industrious classes, the aristocracy were almost wholly exempt from the general burdens. He trusted the right hon. Gentleman who now fills the office of Chancellor of the Exchequer would entitle himself to the thanks of the country by removing all odious distinctions in the taxation of different classes.

Motion made and Question proposed—

"That, in the opinion of this House, it is expedient that Real Property and Impropriate Tithes should be made to pay the same Probate Duty as is now payable on Personal Property, and that Property belonging to Corporations, Universities, Colleges, Bishoprics, and Deans and Chapters, should pay a Duty equivalent to the Probate and Legacy Duties levied on Personal Property."

THE CHANCELLOR OF THE EXCHEQUER said, he could not avoid expressing his regret that the hon. Member who had brought this Motion before the House should have adopted the course of stating his views in the form of an abstract Resolution. It was quite competent to the hon. Gentleman, if the House were in Committee of Ways and Means, to bring forward any plan for continuing or extending the probate duty, and had the hon. Gentleman taken that course it would then have been in the power of the House to form a judgment as to the exact nature of the proposition which he submitted to its consideration. But in the present shape of the Motion it became extremely difficult for the House to form any clear judgment as to the plan the hon. Member would wish to have pursued. The hon. Gentleman, according to his speech, appeared to have confounded the legacy and the probate duty, for in many cases he had applied to the probate duty an argument which referred exclusively to the legacy duty, and he had omitted to state the precise nature or the precise object of the distinction between real and personal property upon which the present probate duty was levied. The system of proving wills had grown out of the jurisdiction of the Ecclesiastical Courts. Those Courts from an early period of our history exercised jurisdiction over the personalty of deceased persons, whether testate or intestate, the jurisdiction, however, from the nature of the Ecclesiastical Courts themselves being limited to personal property only. The law of England did not require that a will devising real property should be proved in an Ecclesiastical Court, which had not by its machinery or plan any means of deciding upon questions affecting the land. The consequence of this state of the law had been that the probate duty had necessarily fallen upon wills affecting personal property. If it were proposed to extend that duty to real property, it would be necessary not only to take the simple course which the hon. Member appeared to indicate, but also to alter the whole law of real property in England, exempting such wills from the jurisdiction of the Ecclesiastical Courts, and further to alter the jurisdiction and powers of those Courts, which now were not applicable to this class of property. That was a difficulty which met them at the very threshold of the question, but if his hon. Friend had, as he had previously observed in

Committee of Ways and Means, submitted a distinct plan to the consideration of the House, they would then have been able to form a judgment as to the manner in which he proposed to overcome that difficulty, and deal with the practical questions surrounding this particular mode of taxation. If, however, it were proposed to consider the matter in a more general view upon the merits of the case, he must be permitted to refer to the extensive measure affecting the legacy and succession duties, introduced two years ago by his right hon. Friend the Member for the University of Oxford (Mr. Gladstone) who had preceded him in the office he had now the honour to hold. That measure went most extensively into the relations of real and personal property as affecting the question of succession; the whole subject was thoroughly exhausted in discussion, and a settlement was come to, adjusting those respective claims, which he confessed he was not prepared to advise the House now to disturb or rescind. The probate duty must be considered as more or less involved in that settlement, and as determined by the decision to which the House then came with respect to the proportion in which personal property should be taxed, the question of the legacy duty. It was further to be borne in mind, if they looked to the specialities of the case, that there were charges to which the transfers of real property were subject, not pressing on personal property in an equal degree. No person could deal in land to any great extent without being constantly required to pay stamp and other duties imposed on it. Although there were circumstances in which the transfer of personal property was liable to duty, these were of much less frequent occurrence, and it might be stated with truth, that great inequality in the working of the law affecting transfers existed in favour of personal and against landed property. There were, besides, many local charges affecting the land, from which, no doubt, it derived benefit, but still forming special burdens on it. He was, therefore, not prepared to accede to the first branch of the Motion of his hon. Friend, as it was presented to the House. He ought, perhaps, to congratulate himself in having found so able a coadjutor, who presented to the Exchequer a gift of not less than 2,500,000*l.* Although in the present state of the finances he should feel not slightly relieved by so great a donation, he could not but fear that the exemption of wills of real property from probate, would very considerably diminish the sum. The hon. Member said he wished to make wills of real property subject to probate, but there was nothing in his Resolution which bore any such meaning. The Resolution did not propose to alter the law respecting probate of wills of real property, but merely the law respecting the probate duty. The hon. Gentleman had also commented on the inconsistency of leases for years being subject to the probate duty, whilst leases for lives were exempted. That was in consequence of the general law of the country, which made leases for years a chattel interest, while leases for lives were freehold property. There was the same distinction between houses on lease and freehold houses. The latter being real property were necessarily exempt, whilst houses on lease, constituting a chattel interest, were included under the duty. His hon. Friend had alluded also to the scale of probate duty. If his hon. Friend had submitted a distinct and articulate proposal to the consideration of the House, he (the Chancellor of the Exchequer) should have been ready to meet it by argument, but when it was made merely matter for an abstract proposition, it became very difficult to deal with. The same remark applied to the hon. Member's comments on the evasions of the law, which might perhaps exist even at the present time, for which perhaps a remedy might be found, but in regard to which it was necessary to frame specific measures. With respect, therefore, to the other branch of the Resolution, he regretted his inability to accede to it. He had only one further remark to make with reference to impropriate tithes, which the hon. Member said were real property, but which were very often held as a chattel interest, so that in case of any person dying, and making a will bequeathing them, they became subject to the probate duty. With respect to the latter part of the Resolution, proposing that property belonging to corporations of deans and chapters should be made liable to probate duty, he begged leave to say, that a Bill dealing with the whole subject had been brought to a stage of considerable maturity by his right hon. Friend who preceded him. He had not yet had time to make himself master of the details of the Bill, which required careful consideration; but should he find it possible to arrange those details in a satisfactory shape, he should feel disposed, at the proper time, to submit a measure on the subject to the House.

MR. WILKINSON said, he thought the right hon. Gentleman had not fully answered the arguments of the hon. Member for Lambeth (Mr. W. Williams), and should give his support to the Motion, which he regarded as founded in justice.

MR. PEACOCKE said, that he should be sorry to throw any damp upon the feelings of gratitude which the Chancellor of the Exchequer had expressed towards the hon. Member for Lambeth, but he must beg to remind him that the latter part of his speech went to show how easily and successfully the existing probate duty upon personal property was evaded, so that if the arguments of the hon. Member for Lambeth (Mr. W. Williams) were worth anything, it was that the probate duty upon personal property should be removed rather than extended to real property. The hon. Member for Sheffield (Mr. Hadfield) had spoken of the inequalities of taxation in this country; but the hon. Gentleman himself had with much candour admitted that personal property was not subjected to a stamp when it changed hands, though real property was. They had been told that a hateful distinction and inequality existed in the taxation of this country, but certainly neither the distinction nor the inequality would be found to be in favour of the landed interest. But there were other burdens beside this to which the land was subjected, and from which personalty was exempt. And, indeed, if personal and real property were placed precisely on the same footing, and made liable to precisely the same duties; if, upon the transfer of personal property, and its mortgage and reconveyance when the mortgage was paid off, it were placed on the same footing as realty, he believed that in a pecuniary sense personalty would have nothing to gain. He contended, moreover, that it was most in harmony with the spirit of our free commercial code that personal property should change hands as easily, freely, and readily as possible; whilst it was equally in accordance with the spirit of our territorial constitution that the land of the country should change hands as seldom as possible, and that it should rest in the possession of certain families and be identified with certain names. ["Oh, oh!"] Upon this subject he had no less an authority than that of the late Chancellor of the Exchequer (Mr. Gladstone), who, when making his financial statement in 1853, showed that, whereas personal property paid the income tax upon the gross amount of revenue, the same as real property, 16 per cent ought to be deducted from income derived from real property for repairs, management, and other outgoings inherent to the possession of land. From this the right hon. Gentleman deduced, that whilst personal property was only paying *7d.* in the *1l.*, landed property was paying at least *9d.* in the *1l.* But he went even further than this, and showed that owing to the power of self-assessment which traders and manufacturers possessed, and which the landed interest did not possess, the latter were suffering under a still greater inequality than that. The right hon. Gentleman took the case of some personal property that was to be removed to make way for certain public purposes. He stated that twenty-eight individuals possessing that property claimed compensation for its destruction to the extent of 48,000*l.* a year. A jury was empannelled, who assessed the income at 27,000*l.* a year. But what was the gross return of income made by these twenty-eight individuals? Why, 9,000*l.* a year; so that, in point of fact, whilst the landed interest was paying *9d.* in the *1l.*, the trading and manufacturing interests were paying only *7d.* in *3l.* When he (Mr. Peacocke) first became acquainted with this statement, he owned that he felt very much in the position of the plaintiff in an action at law who, after listening to the pathetic statement made by his counsel in his behalf, burst into tears, and exclaimed that until that moment he had never known what an injured man he was; and certainly until that statement the landed interest was not aware of the full extent of the inequality of taxation to which it had been subjected. Nor did the inequality cease there; for, according to the Report of a Committee of the House of Lords, the landed interest was subjected to local burdens, which pressed upon it to the extent of 23 per cent. Yet, in the face of this declaration, the hon. Member opposite speaks of hateful disproportionate taxation in favour of the land. A great statesman of the Whig school once told a rising financier of his party, that whenever he intended to impose additional taxes, he should always select the landed interest for that purpose. They could be sheared like their own sheep, but beware, said he, how you lay a finger on the manufacturing or trading interests; if you touch one of them, you will have the whole tribe about your ears. Now, whatever the Whig party had been in other respects there could be no doubt that it had been faithful to its tradition. But although the country party had submitted to forego the privileges they once enjoyed, and been content to accept the national wish that unrestricted competition should be the law of the land, they would not sit quietly down with folded arms and submit to unjust exactions. The present was certainly not the proper moment to reopen the great question of agricultural burdens, when the country was at war, and its capability for bearing taxation was likely to be strained to its utmost tension; but whenever peace should be again established, he contended that it would be the duty of the agricultural party to demand of Parliament what equivalent it proposed to give for the restricted cultivation of the soil, the unequal burden of local taxation, and the unequal and unfair pressure of the income tax, so ably and graphically described by the late Chancellor of the Exchequer. It would then be the imperative duty of the Legislature to review the entire financial system of the country, to take into consideration the burdens with which the landed interest was exclusively saddled, and to seek by every means in their power at all events to alleviate, if they could not effectually remove them.

Sir GEORGE STRICKLAND said, he was favourable to the principle of the proposition, having always been of opinion that the probate duty on personal property was oppressive and unjust. By the measure of the late Chancellor of the Exchequer that duty was extended to land, but in a very unmerciful manner, for he held that the duty on legacies in money ought then to have been reduced to one-half its former amount. There were burdens pressing on land more heavily than on any other species of property, and he held that the question ought to be examined more minutely before they declared that probate duty should be extended to transfers of landed property. As the right hon. Gentleman the Chancellor of the Exchequer had said that the case of ecclesiastical corporations should be fully considered, he thought the hon. Member for Lambeth should be satisfied with that declaration, and not press the Motion to a division.

Mr. CROSSLEY said, he must deny that the burdens on land were, in every instance, greater than those on personal property, for he was aware that, in some cases, the contrary was the fact. Horses that were employed for commercial purposes were subject to taxation, but when used for agricultural purposes they were exempt. Again, insurances of commercial or personal property were subject to taxation, but insurances of agricultural produce were free from duty. He was not in favour of the abolition of probate duty on personal property. He thought that when a man came into the possession of property, to obtain which he had not had to lift his little finger, it was a good time for an officer of the Chancellor of the Exchequer to step in and demand something for the support of the state. He thought, too, that the Chancellor of the Exchequer ought to feel obliged to the hon. Member for Lambeth for having brought forward this Motion. The Government, most probably, would have been glad enough to have supported it, but, fearing that they had not sufficient strength to carry it, they had thought it prudent to withhold their support, in order that their tenure of office might not be cut suddenly short.

Mr. MUNTZ said, he objected to this tax altogether, and was therefore unwilling to support the inconsistency of extending it to a larger portion of the community. It was a bad tax, and if the hon. Member for Lambeth would move its total repeal he would give him all the assistance in his power.

Question put.

The House *divided:*—Ayes 61; Noes 84: Majority 23.

FACTORIES.

Mr. COBBETT said, he would now beg to move for leave to bring in a Bill to limit and regulate the hours of work of females and young persons in the factories of the United Kingdom to ten hours in the day, and to provide the means of more perfectly inspecting the factories. Two years ago he had obtained leave to bring in a similar Bill, but at too late a period of the Session to have any chance of passing it, and last year, though he had made several endeavours to obtain an opportunity for renewing his Motion, he had been unsuccessful. He had, therefore, taken the earliest occasion which offered itself this year, and he hoped the House would allow him now to introduce his Bill, in order that it might be printed and circulated through the country with a view to its full discussion at as early a period as was convenient after the recess. The factory question was one which had excited great interest, both in Parliament and in the country. For fifty years efforts had been made to reduce the hours of labour of children, then of young people, as they were called, from the age of thirteen to eighteen, and, lastly of all, females, to that which every one must allow was a reasonable extent of labour—namely, ten hours a day. In 1847 Parliament passed an Act, by which it was provided that no young person and no female should work more than ten hours a day; and the Speaker, in his speech to the Throne at the end of the Session, congratulated Her Majesty upon the circumstance. Unfortunately, there was a flaw in an Act to which the Act of 1847 necessarily referred, and the manufacturers, in consequence, were enabled to evade it. They adopted a mode of working called the "shift" system, by which, though they worked no person longer than ten hours in any one day, they kept them in and out of the mills in such a manner as to extract from them twelve, thirteen, and even in some cases fifteen hours' labour per day. This was acknowledged to be an evasion of the spirit of the law. It was decided by the Judges that in 1849, though Parliamen intended that no protected person should work more than ten consecutive hours in any one day, the words of the Act were not precise upon the point, and thus the evasion was in accordance with the letter of the law. The Ten Hours Bill of 1847, therefore, in point of fact, was abrogated by the fatal flaw to which he had referred. It was admitted, however, that the error was one which ought to be rectified by an amended Bill, but the working people became alarmed in consequence of rumours which gained ground that it was intended so to amend the Bill as to infringe the ten-hour principle. They thought it would be a breach of faith on the part of Parliament to deprive them of any part of what was intended in 1847—namely, a real honest Ten Hours Bill, and, in consequence of the fears entertained by the working people, the Secretary for the Home Department was applied to through Lord Ashley, in order to ascertain if it was the intention of the right hon. Gentleman to introduce a proper Ten Hours Bill, or in any way to infringe that principle. This application was made by the Spinners' Association at Manchester; it put the question distinctly to the right hon. Gentleman (Sir G. Grey) whether he intended to adhere to the ten-hours principle in any amended Bill. An answer was returned to the spinners, signed by the present Chancellor of the Exchequer, stating that the then Secretary of State for the Home Department intended to do nothing that would be inconsistent with the spirit of the Act of 1847. The factory people, therefore, thought themselves safe, and were justified in believing that, at any rate, the House of Commons in any measure which might be passed would observe the principle of ten hours labour a day. In May, 1850, the right hon. Baronet the present Secretary for the Home Department detailed to the House the principles of a new measure, which he wished to introduce. The right hon. Gentleman stated that, having taken the advice of other parties, and after great consideration, it was found desirable to extend the term of labour to ten hours and a half, but that a great boon would be conferred upon the workpeople by limiting the hours of labour between six o'clock in the morning to six at night. Any person practically acquainted with the manufacturing districts would be aware that this was no boon to the factory operatives, as they already possessed this advantage. The manufacturer of course took those hours of the day which were the most convenient in respect to the day light, in order to save the expense of gas or other artificial light. Consequently he would of course work between six and six, and no Act was required for that purpose. This was no boon, but a mere delusion. The right hon. Gentleman, in explaining the intentions of the Government with regard to the factory question, said—

> "On the one hand, although during the week this class would be employed somewhat more than under the existing law, on the other hand they will gain this advantage—they will have half an hour in the morning, between half-past five and six o'clock, at their own disposal; they will have, undisturbed, the whole evening after six o'clock at their own disposal; and on Saturday, after two o'clock, the whole day at their disposal."—[3 *Hansard*, cx. 1134.]

Now, if the custom of the manufacturers had been to bring their workpeople into the mill at half-past five o'clock in the morning, and the Ten Hours Bill had been properly enforced, they could not have kept their hands at work after five in the day, so that here again no boon was conferred upon the operatives. The right hon. Gentleman promised the hands half-an-hour more on the Saturday than they would possess under a Ten Hours Bill; but, in point of fact, no additional time was given at all, as the workpeople, in the present mode of violating the law, went on working till three and half-past three o'clock in the afternoon, instead of stopping at two or half-past two o'clock, as they would have done under the Ten Hours Bill. The measure of the right hon. Gentleman was, therefore, immediately resisted. Petitions were presented against it from workpeople, merchants, bankers, manufacturers, clergy, and tradespeople in Manchester, Preston, Bradford, and other towns; but, in spite of the opposition of the manufacturing districts, the right hon. Gentleman pursued his course, and Parliament, with too much readiness, supported him. The Bill was, however, passed, and the Act came into operation, and the labour in factories of women, young persons, and children, was extended half-an-hour more on five days in the week, and curtailed, according to the law, half-an-hour on the Saturday afternoon. Well, how did this Act work? Had it been observed since the time it became law? On the contrary, it scarcely came into operation before the Factory Inspectors began to complain that it was violated to such an extent that it was absolutely necessary to pass some further Act to enforce its provisions. He would refer shortly to some of the remonstrances and complaints which were made upon the subject. Mr. Horner, the Factory Inspector, stated in his Report, dated the 30th of April, 1852—

> "The details I have given of these cases, and what I have further stated in my Report for the half-year ending the 31st of October last, if you will please to refer to them, will, I think, satisfy you that there must be an amendment of the existing law before the evil complained of by the millowners in the memorial from Manchester, lately presented to you, can be corrected."

The memorial alluded to by Mr. Horner was one presented to the right hon. Gentleman the Member for Midhurst (Mr. Walpole) during the time he was Secretary for the Home Department, from the manufacturers themselves, in which they stated that the provisions of the Act were so much violated in the country districts of Lancashire and the West Riding of Yorkshire that they required some amendment of the law in order to protect their interests and place them upon an equal footing with other manufacturers who were in the habit of employing their workpeople beyond the hours to which the mills in Manchester were kept at work. So much as to the mode in which the Act had been observed after it came into operation. From that time to the present there had been repeated complaints, showing more or less that the Act was constantly violated by the overworking of the young people, who ought not to have worked more than ten hours and a half a day. In October, 1852, the Factory Inspectors made a joint Report, stating that the clear intentions of the Legislature were defeated because of the difficulty in obtaining the conviction of offenders. After that, down to October, 1854, when the last Report was presented to the House, the inspectors, in every one of their Reports, though they stated now and then that the Act was fairly observed, pointed out the necessity of an amendment of the law, in order to prevent the violation of its intentions. The right hon. Gentleman the Home Secretary might, perhaps, say that he did not go into Lancashire, Scotland, and Yorkshire to inspect the factories, but received information from the factory inspectors, and he was content with those few words used by them, that the law was fairly observed; but it was his (Mr. Cobbett's) duty, in order to justify his Motion for the amendment of the law, to state some strong facts, showing the feeling of the manufacturing districts on the subject. During the last Session not less than 1,083 petitions were presented to the House, asking the House to pass such a Bill as he had introduced in the preceding Session; and the petitioners stated distinctly that violations of the law were systematically carried on, that they desired a Ten Hours Bill in its strictness, and that they knew no mode by which the violations of the law could be effectually put down other than by the proposition he had made for a restriction on the motive power of the mill and for a better mode of inspection. During the Session he had presented from a body of his constituents a remarkable petition, signed by the then mayor and late mayor of Oldham, both large manufacturers, and by, he believed, all the aldermen and a great portion of the town council, and this petition distinctly called on the House to pass his Bill of last Session, alleging that the systematic violations of the present law made it necessary. The gentlemen who signed this petition were, for the greater part, largely engaged in manufactures, and could it be supposed that they would pray the House to adopt that which was inimical to the interests of the manufacturers. Petitions came from all parts of the kingdom; they were signed by upwards of 200,000 persons, and were unopposed by any counter petitions. He thought the facts he had stated were conclusive as to the feelings of the people on the subject, and they ought to have sufficient weight to induce the House to permit him to introduce the Bill he now asked leave to bring in. That was one mode by which he showed the feelings of the manufacturing people of the country on the subject, but he could refer to other proofs of the strong desire that existed for an amendment of the law. In 1852, when he was elected, his opinions on the factory question were well known, and he was able to give a pledge to his constituents which he knew would be satisfactory to them, and which he believed to be founded in justice, that he would support such a Bill. Since his election two other elections had taken place in the manufacturing boroughs of Lancashire, and at those elections it was considered by the factory operatives most important to ascertain whether the candidates would frankly pledge themselves in favour of the Bill he had introduced. At Blackburn the Member returned promised to support his Bill, and, if that hon. Member were not now extremely unwell, he should have the advantage of that hon. Gentleman's advocacy on the present as on a former occasion. The rejected candidate also promised to support the measure. Subsequently, at the election for Clitheroe, the two candidates were asked whether they would support his Bill, and the one who promised to do so was returned, and the other, who gave no such pledge, was rejected. These were facts, which showed distinctly that the factory people were desirous of having the Bill, which he had on a former occasion presented to the House; and the one he should now move for leave to introduce was very similar to the measure he brought under the notice of hon. Members two years ago. With regard to the Ten Hours Bill, he knew that it effected a great deal of good. He knew that under its operation the people enjoyed better health and greater domestic comfort, and that, whereas before the young women had not time to make their own clothing of any kind, they had, after the passing of that Bill, and during its operation, been able to perform many needful domestic duties—it had given them domestic comfort which they had not before enjoyed. This was the reason why he felt so strongly on the subject. The House should recollect what was the condition of the factory people before any factory legislation took place. The long hours of work had enervated the bodies of the people; he meant this literally; this had been fully proved. One consequence, among others, of the long hours of working was that it affected the recruiting for the army. It was ascertained that the working people in the factory districts were, to a great extent, so reduced in strength as to be unfitted for the army. Sir John Elly stated, that when he was engaged recruiting at Leeds, he found a prodigious number of persons rejected, as compared with the agricultural districts. In giving evidence before the Health of Towns Commission, Sergeant Farrell said—

> "He had been engaged ten years in the recruiting service. For ten recruits he got formerly, he could only now get one, and that one was frequently rejected. He ascribed this to the circumstance, that, when persons go to work in factories early, they do not grow to the proper size, have always some deformity, and are pale and sickly, and thin in flesh. The surgeon refuses them for being too thin, not round chested, and not standing straight. In Rochdale there is almost no use staying. I have been only able to pick out thirty men for the last eighteen months, and out of those only one was passed by the surgeon for every four rejected."

This result of severe factory labour was not confined to England, it existed also on the Continent. In 1840 Lord Ashley quoted an extract from the Report of a Commission of the Chamber of Peers in France, to the effect that, of every 10,000 men believed capable of military service in the agricultural districts, 4,029 were rejected on account of physical infirmities; while of every 10,000 men in the manufacturing districts 9,930 were rejected from the same cause. The same state of things existed in Prussia, where the manufacturing districts could not fully supply the contingents required of them. The consequence was, that, both in France and in Prussia restrictions had been imposed on factory labour. Did not this show that interference was necessary, and did it not show that the Ten Hours' Law ought to have been rigidly adhered to? When he formerly brought this subject before the House, he mentioned, on the authority of Dr. Fletcher, of Bury, the astounding mortality that prevailed among the children of factory operatives. From the fact of the mothers working in the factories, and being thereby kept away for long periods of time from their children, great numbers under two years of age died. Dr. Fletcher stated that, of every 100 deaths among the factory workers, a fraction over sixty-one were infants under two years of age, while among the other operative classes in the same locality the deaths of infants under two years of age were a fraction under thirty-three in 100. Last year, at the meeting of the British Association, a Mr. Ashworth, a manufacturer, furnished a variety of statistics relating to the celebrated strike which took place at Preston. It would be recollected, perhaps, that this strike took place during a very severe winter and lasted for six months, and that those connected with it were exposed to very great privations. After Mr. Ashworth had stated to the British Association a great many details with regard to the strike and its mischievous consequences, the Rev. Mr. Clay, the chaplain to the Preston House of Correction, observed that there was one point so important as to deserve special notice. He had reason to believe, he said, from data in his possession, that there were 1,000 women generally employed in the factories among the 18,000 persons who were out on strike, and who were the mothers of infants under five years of age; and he added that the number of infant deaths in Preston among the operative spinners during the six months of the strike was 497, whereas the number of deaths in the six months before the strike was 594. This, he observed, raised the important question, how far it was proper to encourage the employment in our cotton mills of women who had young infants at home who required their attention. The House would observe that, notwithstanding the privations of the strike and the severity of the winter, there were about 100 fewer deaths in the six months during which the strike lasted than in the six months before, while the same people were in full work. It was quite clear that it was the mother's absence from her family which caused the high rate of infant mortality in these districts, and that absence was entirely chargeable upon the factory system as at present carried on. And this fact he looked upon as a remarkable confirmation of Dr. Fletcher's statement. If the deaths in Preston owing to factory work were so many, what would be the total number in the whole of the manufacturing districts of England and Scotland? With a view of remedying the evils which now prevailed in the working of the law, he now asked the House to permit him to introduce this Bill, the leading provisions of which he would briefly state. He proposed, in the first instance, to reduce the hours of labour to ten. And then, as the only practicable way of giving the Factory Inspectors some chance of enforcing the law, he proposed to place a restriction on the motive power, so as to limit its time of working to that fixed for the hours of labour. He knew that in this last proposal he struck against that which many Members would call hazardous, but which, nevertheless, practical manufacturers had declared to be the only effectual mode of ensuring the object in view. Before the Factory Commissioners, appointed to inquire into the condition of the operatives in 1833, commenced their inquiries, they circulated among the manufacturers a series of questions, and the object of one of those questions was to ascertain the opinion of practical manufacturers as to the mode in which an efficient factory law might be framed. He found that in reply to that inquiry forty-eight manufacturing firms in Lancashire, Yorkshire, Scotland, and Ireland, declared that they could not suggest anything more effective than what he (Mr. Cobbett) proposed by this Bill—namely, the restriction of the motive power. Mr. Bolling, the late Member for Bolton, an extensive manufacturer, who volunteered his opinion on the subject, said—

> "I wish to say, that as I use up in my concern one-ninetieth part of the cotton consumed in Great Britain, I think it is right I should declare my opinion about an alteration in the law. Now, my opinion is, that whatever Bill is passed, it should be a tight one, and such as can never be evaded; it should be equal and efficient; and for this it must be a restriction on the moving power; then, if that is not granted, we must have a warden, and he must enforce the law at his discretion, and so place us all on one footing."

One of the clauses of the Bill which he (Mr. Cobbett) asked leave to introduce would impose such a restriction. The other clauses of the Bill carried out the suggestions of the Factory Inspectors with reference to an increase of penalties and some other matters, but there was one new clause by which he proposed to give, to persons who ascertained that offences had been committed against the provisions of the Factory Acts, the power, after giving three days' notice to the Inspectors, to bring actions in the County Courts, in the nature of *qui tam* actions, to recover penalties. He hoped the House would do justice to that immense and increasing body of the operatives of this country who worked in factories, and who were increasing, according to the reports of the Factory Inspectors, to the extent of about 25,000 persons annually, by allowing him to introduce this Bill, in order that it might be printed and discussed. An opportunity would then be afforded to hon. Members and to the country generally of considering the details of the measure, and after Easter the House might determine whether, in their opinion, it was calculated to provide an efficient remedy for the evils which undoubtedly existed.

Mr. T. DUNCOMBE seconded the Motion.

Motion made and Question proposed—

"That leave be given to bring in a Bill to limit the hours of work of females and young persons, in the Factories of the United Kingdom, to ten in the day; and to provide the means of more perfectly inspecting the said Factories."

Sir GEORGE GREY: I rise, Sir, for the purpose of stating very shortly the reasons which induce me to offer my opposition to the introduction of this Bill. If there were any ambiguity in the object of the measure proposed by the hon. Gentleman—if any advantage could be derived from allowing it to be introduced, in order that we might be more fully in possession of the objects which the hon. Gentleman has in view—I should be quite ready to agree that the Bill should be laid upon the table, and that, when we were acquainted with its contents, we should decide whether it should be entertained or not. But there is no such ambiguity about this measure. The hon. Member has stated very explicitly the provisions of the Bill; and he has stated what is perfectly true, that the measure is identical, or nearly identical, with one which he obtained leave on a former occasion to introduce, which the House had an opportunity of considering; but which the House did not seem disposed to sanction. I conceive, under these circumstances, therefore, that the House can come to a decision upon this Bill without waiting until a distant day, and discussing the measure on the second reading. I think that it would be most mischievous to allow a Bill of this nature to be introduced, if the House is not prepared at once to assent to its principle. The interests concerned are of such magnitude that any Parliamentary interference can only be justified by necessity. In former years I thought such necessity did exist, and I gave my aid in passing that law by which the hours of labour of certain specified classes were abridged; but I believe, unless a case of indispensable necessity is established, that interference of this nature cannot fail to be mischievous, and I must contend that the hon. Member for Oldham has made out no case which would justify such an interference as he proposes on the part of this House. Now, what is the case which the hon. Gentleman brings forward? Many of us remember the keen and protracted debates which took place on this subject of factory legislation in years long gone by; we remember the nights which were occupied by the detailed statements of my noble Friend Lord Shaftesbury, who then had a seat in this House, and who brought the question repeatedly under its consideration; and also by the late Mr. Feilden; and we recollect the accounts given of the suffering and injury to which it was contended the classes in question were subjected in consequence of the long hours of labour in factories. We remember, too, the interest which was excited throughout the country with reference to this subject, and I ask hon. Gentlemen to contrast the statements which were then made with the statements the hon. Gentleman has now addressed to the House, and the indications of interest and excitement which were apparent in the country at that time and at the present. Why the only facts stated by the hon. Member are drawn from a period antecedent to the passing of what is called the Ten Hours Bill. When an hon. Member who is anxious to detail the sufferings of the factory population has to go back for statements to 1840, before the Ten Hours Bill was passed, the inference I draw is, that the evils have been remedied, and the House ought to abstain from further interference. I entirely agree with the hon. Gentleman, that great benefits have been derived by shortening the hours of labour as regards women and children. I believe that those beneficial results have arisen not from the mere operation of the Act of 1847, but from the operation also of the Act of 1850, which he now seeks to set aside. He has stated, that under the existing laws women and children have a great deal more time to spend in their own homes, and that parents have greater opportunities of intercourse with their children, but I attribute this, not to the Act of 1847 alone, but to the Act of 1847 combined with the supplemental Act of 1850, which the hon. Gentleman now stigmatises as a fraud upon the operative classes of this country. Let me remind the House what is the state of the case. By the Act 3rd and 4th of *Will.* IV., chap. 43, it was declared that young children should work in factories no more than twelve hours, between half-past five o'clock in the morning and half-past eight in the evening. By the 10th and 11th of *Vict.* chap. 39, the hours of labour were reduced to ten, but the fifteen hours still remained, within which those ten hours labour might be rendered. No doubt it was opposed to the intentions and objects of those who introduced the Ten Hours Act, but there was nothing in the legislation—10 & 11 *Vict.* c. 39—to render a system of relays illegal, so long as no individual woman or young person was subjected to more than ten hours labour in the day. I at that period held the office of Secretary of State for the Home Department, and received innumerable complaints of the operation of that law which the hon. Gentleman calls the "Charter" of these classes, because the anticipations raised by it were disappointed. In 1850 the subject underwent long and anxious consideration. I communicated with the millowners and occupiers, who wished to have a satisfactory settlement of the question, and with those who had been the most strenuous advocates of the working classes and the means of inducing Parliament to abridge their hours of labour. With their consent and concurrence, founded upon the conviction that the proposal was for the interest of the operatives themselves, and expressed privately to me and publicly in this House, that Act was passed. If that had been a measure which could be justly stigmatised as a fraud, they would not have assented to it, and I should not have proceeded with it. I believed it would confer substantial benefits on the working population, and their warmest advocates felt justified in supporting it as the best settlement which could be obtained, and as a security to the working classes of the utmost extent of benefit they could derive from legislation. By that Act the fifteen hours during which the hours of labour might be taken were reduced to twelve, namely from six o'clock in the morning to six in the evening, being identical with a proposition which Lord Shaftesbury on a former occasion submitted to the House. No doubt only one hour and a half being deducted for meals, during five days, ten hours and a half instead of ten hours' labour might be imposed; still, as there were only to be sixty hours in a week, it gave them the whole of the afternoon of Saturday for their own occupations, recreation, and enjoyment. The hon. Gentleman says this Act has worked ill. That is to me quite novel information. Speaking generally, I have received uniform testimony from all persons competent to form an opinion as to its beneficial operation, and I am entitled to say that it has afforded general satisfaction to those for whose benefit it was intended, while the occupiers of mills, almost without exception, have acquiesced in its provisions. Though with respect to any law there will be some transgressions of it, the Act, on the whole, has worked most harmoniously, and has given no occasion to the disputes which before occurred between the millowners and the persons in their employment. I do, therefore, conceive, that it would be most prejudicial to the interests of all parties to reopen this question, and upon the statement of the hon. Gentleman, without any evidence, again to renew those discussions which took place with regard to the Ten Hours Act. I believe the best course for the House to pursue is at once to declare its intention of abiding by the Act of 1850, which has been found to fulfil all the anticipations with which it was passed. The hon. Gentleman says there are persons who violate the law, and the penalties and means of detection are insufficient. I hope the House will mark that the hon. Gentleman said there was only one way in which these infractions of the law could be prevented. And that mode of prevention leads me to the important provision of the Bill by which he proposes now, for the first time, to extend these restrictions, not only to the protected classes, of young persons and children, but to the whole male adult population. The hon. Gentleman says the only effectual plan is to shut up the mills altogether, except during certain hours, and that if the motive power is stopped it will be absolutely impossible for any person to be employed before six o'clock in the morning or after six in the evening in connection with that machinery. But I must beg to ask, is the House prepared, for the first time contrary to its decision on all former occasions, and contrary to the express declaration of those who advocated the interests of the protected classes, to say that no adult operative shall work in future beyond the hour of six o'clock? That is a principle which the House has hitherto refused to recognise, and I hope will refuse to recognise again, as imposing fetters on manufacturing enterprise which may be fatal to the prosperity of the country. The hon. Gentleman proposes to fall back upon the Act of 1847, limiting the hours of labour to ten, and setting aside the arrangement of 1850, without any proof, that the arrangement of 1850 has been productive of any mischief. I am authorised by those who took part in the factory agitation to deprecate this movement as injurious to the interests of those for whom the hon. Gentleman desires to interfere. I trust the House will not consent to disturb the Act of 1850, or apparently sanction the principle of limiting the hours of labour of the adult male population, by allowing this Bill to be introduced, leaving the question in uncertainty, perhaps, until the end of the Session; thereby exciting expectation and creating doubt as to what may be the decision of Parliament upon a case which is fully before them. The House is as competent to say ay or no now, as at Easter, or at the end of the Session, and I hope they will at once express their opinion, and support me in negativing the Motion of the hon. Gentleman.

MR. W. J. FOX said, his hon. colleague (Mr. Cobbett) had so ably brought this subject before the attention of the House, that it was matter of surprise he was not to be allowed to go any further into the subject. They had heard not long ago complaints by the possessors of land that land was unequally taxed, and complaints by the possessors of personal property that personal property was unequally taxed; but the possessors of land and the possessors of personal property could make their voices heard in that House, they could speak for themselves. Now his hon. colleague spoke for those who were obliged to appear by proxy, and whose complaints and desires therefore were more worthy of serious and prolonged consideration. He thought the request was in itself most reasonable. The factory operatives asked for a boon which was granted to them some years ago, and the enjoyment of which failed from no fault of theirs, but from the imperfection with which the measure was drawn, or from the effect of other laws with which it was coupled. Their request was simply that the House should put them in real possession of the boon which the Legislature bestowed, or intended to bestow, upon them, and this appeared to him to be a most well-chosen time to bring the subject under discussion. He considered that it was favourable on two accounts; the cotton-mills were working at short time, and the experiment of further limitation of time might, therefore, be tried now without any danger to those whose capital was invested in such undertakings. That was one reason; another was that the Acts of 1847 and 1850, so far as they had been tried, had had a beneficial operation. The inspectors had had an opportunity of canvassing the operatives as to how they regarded the law of 1847, and he thought they must have found that a large proportion of them, though they might have suffered in their wages, prized the time that was put in their possession much more than any amount of wages they might have lost. He was astonished to hear the right hon. Gentleman the Home Secretary express his decided hostility to the principle of the Bill. Now, what was the principle of the Bill? Why, it was the very principle which the right hon. Gentleman boasted of having established, and which that House had again and again recognised and sanctioned in its various measures for the regulation of labour in factories. The right hon. Gentleman objected to any restriction upon the moving power in factories, and he called that the principle of the Bill. It was no such thing; it was not the principle of the Bill, but the means by which his hon. colleague proposed to carry his principle into effect. Surely it was incumbent upon the right hon. Gentleman, if he objected to that means of enforcing the principle, to provide his own means; at any rate not to allow the decrees of the Legislature to remain a dead letter for the want of adequate powers to insure obedience to them. Objection was raised on the ground of an assumed previous consent of the operative classes to the Act of 1850. He denied that any such consent had been given. The consent of Lord Ashley was adduced by the right hon. Baronet in confirmation of that statement; but what was the fact? True it was, Lord Ashley did consent to that interpretation of the Bill, but the immediate consequence of it was the disownment of the act of Lord Ashley by the factory operatives and the transference of their cause to other hands. So that remonstrance rather than acquiescence was given to that portion of the measure which regarded the regulation of the labour of male adults. It might be said that the right to regulate his hours of labour was possessed by every individual adult. But how much was it worth? If an individual operative were to refuse to work unless he obtained his own terms, the effect would be to put himself out of employment altogether. It was only by combined action that they could effectually treat with their employers, and it was only by an united effort that they could hope to give effect to their opinions. The factory operatives had accordingly sought to do this by petitioning the House of Commons. They were willing to bargain for ten hours labour per day, but they did not choose to bargain for more. The most able political writer of the day had referred to this case, as the one in which the many might venture to come to the Legislature, in order to give that force, that reality to their wishes and purposes, as to bargaining for their labour, which they were unable to give in their individual capacity. For these reasons he thought that the House should have a proper, an honourable, a kindly regard to the desires of the great mass of the working people. He thought it would be consistent with their own sense of impartiality to treat the subject with that deliberation which its importance demanded, and he trusted that they would not take the advice of the right hon. Baronet, and throw out the measure without hesitation; but that they would allow the measure to come fairly before the House, and enjoy that full discussion which its importance fairly and justly deserved.

MR. NEWDEGATE said, he was very much struck with the inconsistency of the argument which the right hon. Baronet (the Home Secretary) had used on the present occasion, and that which he advanced in opposition to the Motion of his right hon. Friend the Member for South Leicestershire (Sir H. Halford), when he wished to introduce a Bill for the benefit of the working classes connected with the hosiery trade. On that occasion the right hon. Baronet argued that, because that class of labourers was suffering from other causes as well as from the abuses relating to the hours of labour, therefore the evils complained of by his hon. Friend ought to remain unredressed; that because they were suffering from competition they ought also to suffer from unlimited hours of labour. That was the argument by which the right hon. Baronet induced the House to reject the Bill of his hon. Friend, which had for its object the relief of that portion of the working classes. And now, when the hon. Member for Oldham (Mr. Cobbett) came forward with a measure to secure to the working classes the benefits of the Ten Hours Bill which had been passed by the Legislature, up rose the right hon. Baronet and expressed a hope that the House would reject it, because it would interfere with adult labour. The principle of the Bill of 1847 was, of course, recognised by the Legislature; but the right hon. Baronet had now endeavoured to induce the House not to enforce that principle. The right hon. Baronet had admitted that the operation of the Bill in limiting the hours of labour, as regarded women and young persons, had been most satisfactory. Who denied it? It had been satisfactory where it had been properly carried out; but the right hon. Baronet was using the law where it had been effectual as an argument to justify the infraction of it; he adduced the benefit which had been felt by a portion of the working classes from a limitation of labour to ten hours a day as a reason why that benefit should not be extended to all. The right hon. Baronet had not the hardihood to deny the abuses which had taken place, but even while admitting that there had been gross infractions of the law, he had endeavoured to persuade the House to extend the shield of its authority over the guilty parties. He trusted, however, the House would not in the excitement of a foreign war, allow its attention to be diverted from all other subjects, and particularly the very important one then under consideration. The right hon. Baronet had said that the people were contented with the Act of 1847. True, they were content with its principle, but proofs had been adduced, Session after Session, that the law was evaded, and the working classes had called upon the Legislature to consider what means might be adopted that should give effect to the law which should be at once salutary to the working classes and beneficial to the manufacturers who employed them. He remembered, when the Act of 1847 passed, they were told that one-sixth of the exports of manufactured cotton would be struck off; and yet, year after year since that time, millions upon millions had been added to the production of that manufacture. So great, indeed, had been the productive powers of this country in that branch of manufacture that every market was glutted; and it was at such a time that the right hon. Baronet endeavoured to persuade the House to reject this Bill, Sir GEORGE GREY said, the hon. Gentleman had not quite correctly represented what he had said. He did not say there had been gross infractions of this law, for although he was well aware that almost every law would be violated, generally speaking, this law had been well observed.

Mr. ELLIOT said, that the supporters of Lord Ashley's Bill were taxed with having admitted the principle of the limitation of adult labour, but in fact that principle had been always repudiated by them; and though the hon. Gentleman (Mr. Newdegate) said that it was the *bonâ fide* intention to make ten hours universally the limit of work in factories, yet he was sure that there was no such intention. If the proposal of the hon. Member for Oldham (Mr. Cobbett) for the stoppage of mills after a certain number of hours was carried out it would work great hardship on the factories in his part of Scotland, where most of the mills were worked by water power, which was not always available, and especially in winter, and the practical effect would be that such mills would most probably only work six hours a day. With regard to the women and children in factories in his part of the country, they were generally in as good health as those employed in agricultural and domestic occupations.

Mr. CROSSLEY said, he could speak from experience of the benefit of legislation on this subject. He had for sixteen years attended a factory at six o'clock every morning, and long before any factory legislation he was convinced that twelve hours a day was too long for women and children to work, and the town with which he was connected had shortened their hours of labour before the law came into operation. The system of relays had been tried in Lancashire, though not as far as he knew in Yorkshire, and it had caused great hardships on those persons who were waiting till their turn for work came on. The alteration to ten hours and a half during five days in the week and seven hours and a half on Saturdays, had enabled the people to go home at two o'clock, and had made the number of hours per week sixty instead of fifty-nine, and though there was, therefore, only one hour a week difference between the old and the new plan, if the proposition of the hon. Member for Oldham had been to go back to the old plan he would have voted with him; but his Bill went to the stopping of the motive power at a given time, and he believed you could not do that without causing a great deal of suffering to the labourers themselves. He objected to any legislation for male adults, who were quite able to take care of themselves.

Mr. WILKINSON said, the principle of this Motion was akin to that of the Bill proposed by the hon. Member for South Leicestershire (Sir H. Halford) the other day, and he objected to that principle generally. The hon. Member for Oldham had argued that it would be better for women and children to work ten hours a day instead of twelve. Of course it would, and he only wished that they could work only eight hours. This question ought to be considered in the interest both of the employer and the workman; but he would take it as regarded the workman only, and looking only to that, he thought the true principle was, that the workman should be at liberty freely to contract to work for such a length of time as would ensure him good wages. He, therefore, trusted the House would reject the Bill.

Mr. BRIGHT said, he would only make one or two observations on the Motion before the House. The hon. Member for Oldham proposed to disturb a question which most reasonable and patriotic people had hoped was settled for a very long time, if not for ever. The hon. Gentleman appeared to have two objects in view. He proposed to diminish the time of working, not, as the hon. Member for Halifax (Mr. Crossley) said, by one hour, but by two. He (Mr. Bright) was not able to see the difference which was said to be made by the arrangements of the Saturday under the Bill of 1847; but he took it that instead of sixty hours a week it was to be fifty-eight. The whole matter, then, in dispute was two hours in the week. This question had been much discussed in that House and in the country, and in that House it had been treated as a party question with more than ordinary bitterness, and in the country it had been made a question in which men were hot and fierce in their mutual denunciations of each other. In 1850 the question was understood to have been settled by one of these compromises by which many questions were settled in that House—Lord Ashley being a party to it on the one side, and a large number of the manufacturers on the other. The hon. Member for Oldham said that Lord Ashley was disowned by those who had previously given him their confidence. It was quite true that certain persons had pledged themselves to an agitation, and felt that the object they had contended for was not actually and literally fulfilled; but he (Mr. Bright) did not believe for a moment that anybody in Lancashire would say the factory workers disowned Lord Ashley in consequence of the part he had taken in that Bill. And more than that, he was perfectly sure, being himself an opponent of that Bill, but not on the paltry consideration of the slight gain of those few hours a week, that Lord Ashley did that which the most educated and best informed of the factory population believed to be the best for their case. It was something, surely, to obtain, that a large number of the manufacturers and spinners who had opposed that Bill should agree to its settlement on any terms whatever. There was no person connected, as a capitalist, with the cotton, woollen, silk, or flax trades, that had ever proposed in any way to disturb the fundamental principle of that Act, or to hinder its operation. Was it not better for that House and for the factory workers, to have a law of sixty hours a week, which men agreed generally to abide by and not to disturb, than to have attempts again made which might, after a few years, be successful, or might fail speedily, to obtain a law of fifty-eight hours a week, at the cost of disturbing all the harmony which now, happily, existed upon this question, in spite of what the hon. Member for Oldham said, among the capitalists employing and the employed population of Lancashire? He did not think there was any man, without strong partisan views, who would not agree that it was better to allow the question to settle where it was, than to stir up in the manufacturing districts the fires of discord, a thousand times more perilous and pernicious than any grievance of two hours a week could be. The hon. Member had another proposition, that the steam-engine should be stopped at a certain time, so that not only no woman or child, but no grown-up man, should work beyond that hour! But there were many cases in which more than one trade was carried on in a mill, and the mill was occupied by more than one firm. There was often, perhaps, one room in a mill where the machinery, worked by the same steam power, differed entirely from that of the other rooms, and was worked by a different class of workpeople, and by adult men. Did the hon. Member mean to ask the House, under the pretence of legislating for women and young persons, to stop the steam-engine and all those workmen—for, without opening a door to the widest evasion, no exception could be made? Did he mean to ask the House to shut up that mill, where A B, employing only adult men, was on a separate floor from C D, and using the same power,—must they all be brought under the same law? Much had been said of the advantages which had accrued to the working classes from the diminution of their toil by one hour or an hour and a half in the day—advantages which he (Mr. Bright) would not deny, to those who were temperate and well disposed, as the great bulk of them were. But the hon. Member had made out no case for such an extreme measure as this, which would hinder the working of some hundreds of thousands of adult men. There were many cases now in his recollection in which it would have that effect. The hon. Member had said that this was a convenient time to try such experiments as he proposed, because the cotton trade was not very brisk now. Why, one would have thought that a condition of languor and partial exhaustion was not the time for a wise physician to try the endurance of his patient. There were, unfortunately, times when adult men worked not more than six hours a day, because the Australian, or the Indian, or the home market, had happened to fail. But would a paternal legislature, because those men now worked short time, at reduced wages, to the loss of their families, say to those grown-up, intelligent men who had families to care for, and who were anxious to maintain their independence, when a revival of trade came, that they should not be permitted to recover their position by working a single hour in the day longer than the ten hours prescribed to them? Why, if he (Mr. Bright) set up for a patriot and tribune of the people, he would have a better principle and better objects to advocate than those. Whenever he met his constituents, he had always said about this Bill, that he always disapproved of such legislation as extremely perilous, whatever good it might do; but that since the question had been settled by a judicious compromise and compact, which Parliament were resolved to maintain, he would not abet, in any way, any Motion to disturb the settlement of 1850; and he had always found that answer satisfactory in Lancashire. Now, he would assert, from his knowledge of those districts, that the masters themselves were disposed to carry out that Act in a manner which exceeded, he believed, in their duty to the law, what was found with regard to any other Act that ever was forced upon any persons, of so unpalatable a character. He regarded this as a most unfortunate proposition, chiefly because it disturbed that harmony which he should be the last to interfere with. He had been a strong opponent of the present law; but he would not be the man to move or second any Motion having for its object to disturb the duration of labour fixed upon by the Bill of 1850. He would appeal to the right hon. Gentleman the Home Secretary or to anybody else, in support of his declaration, that if he considered the vast interests involved, the technicalities of that law, the insulting nature of the inspectorship carried on, in a most insulting manner, by the most injudicious servant which the Government could have to carry out the intentions of Parliament—he spoke, and he had no wish to conceal the name, of Mr. Horner—yet, under all the insolence and annoyance of that gentleman's character, he maintained that law had been carried out by the manufacturers of Lancashire and Yorkshire in a spirit as complete and as fair as Parliament could have expected. He did not believe—he said it conscientiously and frankly—that there was the slightest necessity, upon any ground, for asking Parliament to reopen this question, and to stir up again those elements of discord which if he thought were to be stirred up, and worked out to their dangerous results, he would himself be glad to leave the country, and to live somewhere else, where labour and capital were allowed to fight their own battle on their own ground, without legislative interference.

Mr. E. BALL said, he thought that the observations which had just fallen from the hon. Member for Manchester, did not tend in the slightest degree to lessen the force of those facts and those statements which had been put forward by the hon. Member for Oldham. That hon. Member had not come to ask the House for a revival of the law—he had simply come to state that the existing law had not been observed; and in support of that statement he had produced the reports of the inspectors to demonstrate that the law had been violated, while he had also informed the House that no less a number of petitions than 1,083 had been presented to have the law of 1850 fully carried out. The poorer classes complained of the violation of the law, and were they, he would ask—the representatives of the people—to turn around upon the poor, and tell them that they would not lend an ear to their complaints? The hon. Member for Oldham merely asked for leave to bring forward a certain proposition for their consideration, and to lay the case of the manufacturing classes fairly before the House. Neither the hon. Member nor the petitioners sought for re-legislation upon the subject—they merely asked that the law, as it stood, should be observed; and in his opinion it would be by no means satisfactory to the country that they should repudiate the claims of their poorer fellow-subjects. The hon. Member for Manchester had made so many various prophecies which had been so entirely falsified by the result, that he thought it would be rather an amusing occupation to enter into an examination of those prophecies. From 1847 to 1850 there had been considerable opposition offered to legislation upon the subject of factories; and the hon. Member for Manchester had then, among other things, stated that he could not conceive anything more dreadful than to practise such a delusion upon the operatives as was sought to be practised through the medium of a measure which, instead of conferring upon them a benefit, would be the means of causing, as far as regarded them, greater evils than any measure which that House had ever entertained. Such had been the prognostication of the hon. Member for Manchester before the Bill of 1850 had come into effect; and what, notwithstanding the hon. Gentleman's prophecy, had been the result of that measure? He found that the result had been, in the case of the cotton manufacture alone, an increase in the first year after the alteration of the law had been made, of from 350,000,000 lb. to 591,000,000 lb. in the consumption of cotton; while in the next year the quantity consumed had amounted to 648,000,000 lb. But it was not the amount of cotton alone that was to be taken into account in calculating the results of the measure of 1850. He found, that under the operation of that measure, the number of power-looms had increased from 115,182 to 298,916, and that they still continued to increase, notwithstanding the prognostications of ruin and devastation as to the consequence of any alteration in the law of the hon. Member for Manchester. He also found that the number of new factories constructed since the passing of the measure of 1850 amounted to 255, and that fact, as well as the others to which he had called the attention of the House, seemed to demonstrate the advantages which must result from carrying the law as rigorously as possible into effect. The House ought not, therefore, to hesitate to take into its consideration a question which intimately concerned the well-being of numbers of the poorer classes in the community. To do so would be an insult to the poor, a disgrace to the country, and would cast a stigma upon the House itself.

VISCOUNT PALMERSTON said, that one of the grounds upon which the proposition of the hon. Member rested was, that the law, as it now stood, was grossly violated. Now, it was his duty, when he held the office of Home Secretary, to watch the enforcement of this particular law; and he was bound to say that, although there were many instances in which some small violations of the law took place, still those violations were very small in amount, and they were carefully watched by the inspectors. Many of the violations were, that some steam-engine began to work five minutes too soon, or continued to work five minutes too long in the evening, and some little odds and ends in that way; and although he did not say that advantages were not unduly gained by those who adopted those means, still they were not such instances as could be put forward as violations which should induce the House of Commons to alter the existing law. There was evidently a great distinction between the restrictions placed upon the hours of work of females and young persons and male adults, and the principle upon which Parliament had acted in legislating upon the subject had been that persons of tender years could not properly be considered as free agents, and that it was necessary, therefore, to restrict their hours of labour; but that with respect to adult men, who were perfectly competent to take care of their own interests and to make their own bargains, there could not be a more vicious principle than that of the House of Commons interposing between labour and capital, between the employer and the employed, and saying that a certain limit should be fixed, and should not be transgressed upon any account, either by the willing labourer or willing employer. He thought such a principle both vicious and wrong, and should be sorry that that House should so far encourage the establishment of this principle as to allow the hon. Gentleman, after the full explanation he had given of his Bill, to introduce it merely for the purpose, as he could not doubt, of seeing it rejected on the second reading. He quite agreed with the hon. Member for Manchester (Mr. Bright) that when the House had come to a settlement of a great question involving the interests and feelings of large classes of people, and when, after long debate and much anxious discussion, a system had been established, it was unwise to disturb that compromise, except upon very much stronger grounds than those which had been put forward by the hon. Member who proposed to introduce the present Bill, and he should, therefore, certainly give his vote against the introduction of the measure.

MR. COBBETT, in reply, denied that any compromise had been entered into by the factory workpeople in 1850—they were no parties to what had been called the "Compromise Act;" but, so far as they had time to do it, had protested against it in every form. At the time when the announcement was made in the House by the right hon. Baronet (Sir G. Grey), which was early in May, 1850, the delegates of the working people were assembled in London, and he (Mr. Cobbett) would read to the House a Resolution come to by them on learning that Lord Ashley had given his assent to the right hon. Baronet's proposal for a Ten-and-a-half Hours' Bill. The paper was in these words—

> "2, Northumberland Court, Strand, London,
> "May 8, 1850.
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> "It having been communicated by Lord Ashley to the factory delegates now assembled that he has determined to accept the Government proposition, it was unanimously resolved by the delegates —'That the delegates now assembled are of opinion that the factory workers will never consent to any variation from the limitation of ten hours per day and fifty-eight hours per week, unless it be to further shorten the duration of labour.'
>
> "THOMAS PITT, Chairman of the delegates."

There was, then, no compromise on the part of the working men, because the proposition was repudiated by their delegates in London as soon as it was announced, and Lord Ashley's adhesion to it was condemned in the paper that he had just read to the House. Besides this, petitions against the so-called compromise came in from all parts of the manufacturing districts, praying the House not to pass the Bill. One petition came from masters alone, signed by a large body of employers of working people, earnestly entreating the House not to interfere with a measure that had worked so well. The masters, the clergy, the merchants, and other inhabitants of Bradford, petitioned to the same effect. Three hundred overlookers of Manchester did the same. In short, the working people and a very large body of masters and others protested against that Bill, which the right hon. Baronet and the hon. Member for Manchester now insisted was a compromise to which the working people themselves were parties. He (Mr. Cobbett) had never been able to discover who, if there were a compromise, had acted the part of go-between—who it was that had been the parties to the arrangement. The Earl of Derby distinctly asked the question in another place, but failed to make the discovery. He (Mr. Cobbett), however, had read a curious passage in a speech of the hon. Member for Manchester, made at a meeting of his working constituents in Manchester on the 8th of June, 1852. The hon. Member was on his rounds previously to the general election, and the working people catechised him rather strictly upon the subject of his invariable opposition to factory legislation, whereupon the hon. Member made the statement that he would now read—

> "The short hours of labour having been agreed to by a compromise, to which he as well as Lord Shaftesbury were parties, he was no longer an opponent, but was willing to do everything in his power that the law should have a fair trial."

This passage he took from *The Times* of the 12th of June, 1852, and it occurred to him at once that the secret was now out; that we now knew who the compromisers were—namely, the hon. Member himself and Lord Shaftesbury—but did they obtain the assent of the working people?

Mr. BRIGHT here explained, that all that he had meant upon the occasion alluded to was, that he acquiesced in what had been done by others. A Secretary of State, he presumed, was the mediating party.

Mr. COBBETT thought that as the hon. Member spoke so positively of a compromise, and of the very parties to it, he must know something more of the manner of bringing it about than he now professed to do; and he (Mr. Cobbett) had been driven to the conclusion that the hon. Gentleman who spoke of himself as a "party" to the compromise with Lord Shaftesbury was what he represented himself to his constituents to be—one of the parties who effected that which was now called a compromise, but in which the working people were certainly no parties at all. All that he wished now to do was, to get back for the people what had been taken from them in 1850—namely, the half hour per day; and he wished also to make that secure to them by various provisions for ensuring the means of thorough inspection of the mills. He wished, in short, to make it—what the late Mr. Bolling said it should be—a tight Bill, and he thought he had said enough to show that even manufacturers themselves considered that nothing but a restriction on the moving power could accomplish this. He was not, however, obstinately bent on thrusting this Bill on the House. He wished it to be read a first and second time, and thoroughly discussed clause by clause in Committee, and if the House thought any clause uncalled for or too stringent, let it be struck out. He would not abandon the Bill, even though the clause restricting the moving power should be struck out; but let the whole Bill be discussed. The hon. Member for Manchester had pointed out certain cases where this clause would interfere with the labour of adults working in the same building. The hon. Member had not seen the clause: how could he know what he asserted? There were exceptions made in it to obviate such cases, and such exceptions would be easily extended. The hon. Member had also deprecated the revival of the bitter discussions that had already characterised factory debates. He (Mr. Cobbett) remembered that there had been great bitterness displayed on the subject of limiting the labour of females and children so as to be compatible with their strength, and it surprised him that such a subject should excite bitterness in any quarter, and he did not think it would occur again if the hon. Gentleman himself would deal with it in a more temperate manner than he had done. He (Mr. Cobbett) promised that in any future discussion on the same subject he would treat it as he had hitherto done, without any bitterness of feeling or intemperate language, and he hoped the hon. Member for Manchester would condescend to take a lesson from him.

Question put.

The House *divided:*—Ayes 101; Noes 109; Majority 8.

THE ARMY IN THE CRIMEA.

MR. T. DUNCOMBE, in moving for an address for Copies of any Despatches or correspondence that had passed between Field Marshal Lord Raglan and the Minister for War relative to the wants of the army in the Crimea, said, he would shortly state the reasons which induced him to ask the House to assist him in obtaining these documents. The House would recollect that a few days ago he had asked the hon. Gentleman the Under Secretary for War, whether there would be any objection to lay upon the table the correspondence that had passed between Lord Raglan and the Minister of War relative to the wants of the army in the Crimea. To that inquiry the hon. Gentleman gave an extremely unsatisfactory answer, for he stated that he objected to the production of the papers because it would not be right to produce a portion of the correspondence, and the House ought, therefore, to wait until the Government was prepared to produce the whole of it. Now, he wished to know, when the Government would be prepared to do so, and who the Government might be when that time arrived? He did not want the whole correspondence, he only asked for such extracts as related to the wants of the army and the causes of the disasters which had befallen it; he did not want those portions which related to other subjects. His principal reason for asking for it was the great interest and anxiety on the subject which existed not only in this country, but also among the officers of the army in the Crimea. It was stated that representations had been made not only to head quarters at home, but also to Lord Raglan, with regard to the wants of the army, the clothing, food, and medicine—and also with regard to the ambulance department, and many persons thought his Lordship had not attended to those representations. He was not one of those who believed that Lord Raglan was wanting in humanity, as it had been represented in some of the public prints; any one who knew that noble Lord must know that he was of a perfectly contrary disposition. He knew from officers who had served with his Lordship in the Peninsula, that if he were now indifferent to the wants of his men he must be very much altered, because, if he ever had exceeded his duty, it had always been upon the side of too much consideration for the men under his command. He believed that Lord Raglan had made representations to the Government of the wants of the army; he could not believe that the Duke of Newcastle had been indifferent or had not attended to these representations, for he could have no interest in withholding what was asked for; and he (Mr. Duncombe) had a right to assume that the stores of food, clothing, and medicine, had been supplied. The non-production of these papers, which might exonerate Lord Raglan and the Duke of Newcastle, was most unfair to those noblemen. With whom did the blame rest? He believed that these papers, if produced, would show that those whose duty it was to attend to the wants of the army in the Crimea—the Commissariat, the quartermaster general, and the adjutant general—were to blame in many particulars. He should like to know whether it was true, that the French had lent the English army 10,000 great coats; whether the French had been obliged to bake the bread for our soldiers; and also, whether they did not convey our sick and wounded soldiers in their ambulances. He should also like to know the state of our ambulance department. They had a Committee sitting upstairs, and had he been on that Committee, the first thing that he should have asked for would have been the correspondence between the Minister for War and the Commander of the Forces. It would have served as a guide, and should the House consent to its being laid on the table, the next step he considered would be to refer it to the Committee. The production of the correspondence might exonerate Lord Raglan, but it would inculpate, he believed, the Commissariat; and, if it did so, a punishment ought to be inflicted. In the case of the two soldiers at Chatham who were charged with having wasted their ammunition—which was, no doubt, a military offence—in firing at a figure of the late Emperor of Russia, one of them was sentenced to sixty days imprisonment with hard labour, and the other to forty days; and even-handed justice would also require that those through whose negligence and incompetence the army had been sacrificed should also receive punishment. He trusted that the

House would support him in compelling the Under Secretary for War to place the correspondence to which the Motion referred on the table.

Motion made and Question proposed—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of any Despatches or Correspondence that has passed between Field Marshal Lord Raglan and the Minister for War, relative to the Wants of the Army in the Crimea."

VISCOUNT PALMERSTON: Sir, having agreed to the appointment of the Committee upstairs, I can, of course, have no desire, or intention, to withhold from Parliament any information which may be necessary for the full investigation of all those matters for which the Committee was appointed to inquire into. I am sure the House will see that it cannot be useful to carry on two inquiries parallel with each other at the same time. The House might have adopted the course of taking the inquiry into its own hands, and then hon. Members might have moved for such written documents as they thought desirable to notice, and they might have examined witnesses at the bar, and inquired into all these matters; but the House determined to appoint a Committee, and delegated to that Committee all the powers which the House possessed. The Committee has full power to call for all these documents, or any other papers which they may think it necessary to have in pursuing the performance of their duties. I therefore submit to the House that it will be far better to leave these papers and writings to be dealt with by the Committee. The Committee will judge of the information which it has before it in investigating all these matters. The Government will grant all those papers and documents in which is not involved political matters which may be inconvenient or dangerous to the public service; I therefore submit to the House that it will be far better to leave these papers in the hands of the Committee, who will exercise their own judgment as to the course which they will pursue, and the proceedings which they will adopt.

MR. MONCKTON MILNES said, he must humbly beg leave to demur to the doctrine laid down by his noble Friend, that the hands of the House were to be tied by the Committee. He (Mr. Milnes) had from the first seen the great danger of difficulties arising from this or any Government being enabled to refuse information, on the excuse of a Committee sitting upstairs. That anticipation had been, to a great extent, already fulfilled; and it would be necessary, on that or on some future occasion, to prevent that conclusion from being more fully carried out. The Committee was only now at the commencement of its inquiry; it might last the whole Session, and the Report would probably be deferred till the end of the present or some time in the course of the succeeding Session. Was the House, then, to be prevented from discussing any matter relating to those great transactions which were now causing the hearts of the people of England to palpitate? Were they to wait upon the progress of the inquiry, and was every step of the House on such a momentous question to be subordinated to what might happen in a Committee upstairs? The country really demanded that some of the correspondence between Lord Raglan and the Minister of War should be laid on the table. The character of that gallant commander was not merely imperilled by what had occurred, but the root of all the evil that had led to so much misery and confusion lay in the circumstance that the people of England were not allowed to know, in the frank and open manner to which the spirit of our institutions entitled them, what had been the real defections in the Crimea, what it was that had been asked for there, and what had or had not been supplied. Day after day they had been left without any other official information on these all-important affairs, but what they could glean from those meagre and scanty despatches—for such they undeniably were—proceeding from the commander of our troops. All that they knew beyond what was thus communicated as to the state of our army in the East was derived from those indirect channels which some thought ought to be closed altogether—the organs of the daily press. Where, in all Lord Raglan's despatches, excepting in one solitary instance, had they any record of fraud that had been detected, of incompetence that had been reprimanded, or incapacity that had been superseded? Where were the proofs that he had exercised that vigilant supervision over matters which perhaps, after all, he had exercised, and found himself thwarted, it might be, by great impediments that all his talents could not overcome? So, again, with the Government at home. The Duke of Newcastle would have done well for his own reputation, and that of his Friends in the late Cabinet, if he had not allowed these affairs to come out by chance communications, but had laid on the table such a selection, at least, from the correspondence between himself and the Commander in Chief at the seat of war as might not affect our great military operations, or endanger the interests of the public service. This question seriously involved the character of public men in this country, and especially that of those right hon. Gentlemen who had lately seceded from the Government, and stood at this moment, as it were, at the bar of public opinion. Above all, it affected the commanders of our army, in whom if we had not confidence, how was the cause of this country likely to prosper in the future military operations to be undertaken? Therefore, for the sake of our Ministers and our commanders, as well as for the best interests of the country, his noble Friend should pause before he refused even a modified assent to the present Motion, and said that it must be left to depend upon the mere will of some Member of a Committee upstairs, whether that information upon which the heart of the country was set should or should not be suffered to transpire. The Committee, no doubt, would ultimately reveal the mystery better than some of those who resisted it imagined; but at the same time it would not be just either to that House or to the public that the proceedings of any Committee should estop the progress of that House in demanding what it had a perfect right to demand; or that, while the House was prevented by its own forms from alluding to what passed in the inquiry, the Committee should be permitted to exercise an exclusive right and domination over all those questions with which the House was told it must not interfere.

Mr. PACKE said, he fully agreed with the noble Lord at the head of the Government in thinking that, as the House had delegated the inquiry to a Committee, with power to call for all papers, documents, and records, it would only be fair and straightforward to leave the Committee to conduct the investigation to a close.

Mr. T. DUNCOMBE said, that if any Member of the Committee would give the House an assurance that these papers would be moved for, he would not trouble the House to divide.

Mr. J. G. PHILLIMORE said, that there was no reason for assuming that the Committee would not do its duty.

Question put and *negatived*.

The House adjourned at Twelve o'clock.

Mr. M. Milnes

HOUSE OF LORDS,

Friday, March 16, 1855.

MINUTES.] PUBLIC BILLS.—2ª Commons Inclosure.

3ª Criminal Justice.

ROYAL ASSENT.—Exchequer Bills (£17,183,000); Common Law Procedure Act Amendment (Ireland); Mutiny; Marine Mutiny; Tea Duties Decline Suspension; Secretaries and Under Secretaries of State (House of Commons).

TRANSPORT OF HORSES TO THE EAST.

THE EARL OF ALBEMARLE *moved* for a Return of the mode of Shipment to the East of horses intended for Military Purposes. His object in moving for these returns was to endeavour to persuade his noble Friend the Minister of War, if not to abandon the present mode of shipping horses to the East, at least to give a fair trial to the system of transport adopted at Hull. Although he could hardly expect to imbue his noble Friend with the objections he entertained to the Government system, he hoped to persuade him that it was productive of great and unnecessary cruelty to the horses and cost to the country. There were two material points of difference between the Government system and the Hull system. In the first place, the Government allowed the cavalry horses a width of only two feet "in the clear," while the horses in private trade were allowed a width sometimes of three feet, sometimes of three and a half feet, and even of four feet. He would here anticipate an objection that would naturally suggest itself—namely, that the effect of doubling the space would be to double the expense; but he thought he should be able to prove satisfactorily that the expense of the Hull system was considerably—perhaps one-third—less than that of the plan now adopted by the Government. The other important point of difference between the two systems was, that the cavalry horses were not allowed to lie down, no matter what might be the length of the voyage. Let their Lordships consider the expense of the system now practised by the transport department. First of all a platform must be provided for the horses to stand upon, besides a number of pillars, posts, and rails, as each horse was so wedged in between four pillars that he was hardly able to move. In order to prevent the effects of the great friction which must take place, Government went to a great expense in sheepskins, and each horse was also provided with a set of slings to keep him upon his legs in bad weather. He would ask any noble Lord who was at all acquainted with the management of horses what was likely to be the result of breaking the rest of a horse for five or six weeks together, and what would be the state of its sinews and tendons when it had been placed in a constrained position for so long a period? The Hull merchants were perfectly aware of the antiquated system of the Government, and had been so for forty-five years —ever since it had been adopted—and if there had been anything worth a farthing in it they would naturally have adopted it. They had not, however, adopted it, because they knew it too well; they knew the evils that had arisen from it during the last war and the injury it had inflicted upon the cavalry horses, and they were, therefore, too wise to allow their valuable cargoes to incur so much risk. The cargoes they had to deal with were frequently of the most valuable description, some horses costing as much as from 3,000*l.* to 4,000*l.*; being the best blood that could be purchased for money. He would relate one anecdote in illustration of the opinion which practical men entertained of the Government plan, not only in 1854 and 1855, but as far back as 1814, when the allied Sovereigns visited this country. The late Emperor of Russia, then the Grand Duke Nicholas, having purchased fifteen valuable horses, intrusted them for shipment to Russia to Mr. Thomas Kirby, who was well known in the trade, to which he had now belonged for fifty years—at that, as at the present time, being one of the principal exporters of horses from England, and, of course, a man of thorough experience. The Government of that period placed a transport at the disposal of His Imperial Highness, and the Grand Duke told Mr. Kirby that if he would take out the horses to St. Petersburg all the spare room in the ship should be at his disposal. Mr. Kirby went to Deptford with Mr. Goodwin, a gentleman who belonged to the Royal establishment in 1814, and served under a near and dear relative of his (the Earl of Albemarle's), who, in the reign of King William IV., and in the early part of the reign of Her present Majesty, held the office of the Master of the Horse, and was much benefited by Mr. Goodwin's advice in all matters connected with horses. At Deptford they saw Captain Young, who was the officer appointed to receive the horses, and found a magnificent vessel fitted up with what he could not help calling the Government instruments of torture. Mr. Kirby objected to this mode of fitting up, and said that if he were not allowed to break down all the posts and pillars he would not accept the offer which had been made him, as he never allowed any horses to go a great distance without lying down. The officer refused to alter the arrangements, and Mr. Kirby refused the gratuitous transport, and chartered a vessel for 500*l.*, in which he carried the horses in perfect safety upon the Hull plan. He must express some little astonishment at the course which had been pursued by his noble Friend's predecessors in the War Department; because he should have supposed that, when a prospect arose of war breaking out and a necessity occurred of shipping horses to a great distance from this country, the Government would have obtained the latest intelligence upon the subject, particularly when that intelligence could be obtained at Hull at not more than a few hours' journey from London. If Her Majesty's advisers would not adopt the plan pursued there, they might, at least, have made themselves masters of it, instead of which they immediately adopted the antiquated system of forty-five years ago, a system under which a transport so far as Constantinople had never been contemplated; for it must be remembered that the plan, bad as it was, had never been intended for the shipment of horses beyond the coast of Spain. It might, perhaps, have done very well for horses during a voyage of four or five days to be "cabined, cribbed, confined," in this manner; but it never could have been contemplated that they should be put to such torture for four or five weeks together. It was very difficult to obtain a correct list of the casualties that took place in the army or navy. He had been in the profession for forty years, and he knew that men who looked for honourable employment were cautious in giving any intelligence that might be injurious to them; but he would refer to matters of common notoriety. He would take the case of the 17th Lancers. A gentleman, well acquainted with horses, had seen the 17th Lancers, 250 in number, just before they left England, and he said that horses in better condition or better fitted for the journey it would have been impossible to find. They went in a variety of ships but out of that number twenty-three troopers and two chargers had died upon the passage, and seventy or eighty more, as he understood, soon after landing. He would venture to say that nothing like that number of casualties had occurred in the whole horse trade of Hull during the last fifty years. He would not go into the evidence which his noble Friend opposite (the Earl of Lucan) had given the other day before a Committee; but was not the horrible mortality that had taken place upon the occasions to which he had referred notorious and appalling? Under the Hull system it would have been impossible, for the horses would have been between instead of on the decks. He was told if he got these returns that they would not prove much, as some said that the loss had been 5, and others 2 per cent; but he wished to know why there should be any percentage when no such allowance was made for casualties in the Hull trade? He thought, however, that the most important question, and it was one of vital importance, was, whether the horses were fit for use on landing, and did they come to hand in that sound state in which the horses were universally acknowledged to do that were conveyed under the Hull system? Here was a question that was easy of solution, for he saw opposite the noble Earl (the Earl of Lucan) who had lately commanded the cavalry in the East, and he should like to ask him in what condition were the horses when they were disembarked in Turkey—were they fit for immediate duty? and had he not found it necessary to employ horses that had been some time on shore to do the work of the new arrivals? He now wished to state that in the year 1819 Mr. Goodwin, from whom he had got his information, was sent for professionally by some person connected with the Royal establishment at St. Petersburg to perform some nice operation on a horse belonging to the late Emperor. Mr. Goodwin was accompanied by a Russian officer, and took his passage from Hull; and he then, for the first time, saw the mode in which the Hull shippers conveyed their horses. The mode might simply be described by saying that it was not the Government plan, and that no posts, rails, platforms, slings, sheepskins, or any such expensive or useless paraphernalia, were employed. The ship in which Mr. Goodwin went over was of only 300 tons. The horses were placed in the hold, and stood on shingle and sand mixed, being only separated by rails bound over with spun yarn, and the hold presented the appearance of a stable on shore in which there was a pressure for room. After a stormy passage of five weeks these horses were landed in as good condition as when they started. Mr. Goodwin remained in St. Petersburg for two years, and saw the unshipping of a variety of cargoes of horses, but during the whole of that time he never witnessed a single accident. Last year, when the war broke out, Mr. Goodwin was anxious to press the subject on the Government, and he first made some inquiries as to the practices of the Hull shippers, and he received a letter from Mr. Thomas Kirby, aged eighty-four years, who had for fifty years been engaged in the horse export trade, and who had been for twenty-two years in the habit of conveying horses to St. Petersburg; his letter was written on the 14th of March, 1854, and was as follows—

"I know that the way that Government has of shipping the transport horses is shocking, for I remember well, some years ago, when I was returning from St. Petersburg, we had to wait some time at Elsinore for the convoy, and, at the same time, there were some English ships there with some Government horses, which they were bringing from Hanover. By some way or other they got to know of my being there, and they sent for me to go on board, and then they told me what a quantity of horses they had that died; which I did not wonder at, seeing the horses jammed together as they were, with their heads in midships, and their tails to the ship's sides, and their legs swelled as big as their bodies, with all the filth and dirt behind them. You have been told if they lie down they cannot get up again. I am sure you yourself are aware that a horse may drop in a three-feet standing, but I defy him to rise in that room. I then set the carpenters on board to work to pull down the stalls and put the mangers to the ship's sides, and to get all the dirt and filth out of the ship; gave the horses more room in the stalls, so that they could lie down and get up, and, after that, I heard no more of any horses dying. Now, if horses in a short voyage like that would drop, what would they do in a long voyage to Constantinople? I have often thought within myself that, should these horses be alive when landed, they would be of no use. I have myself been in the habit of taking horses to St. Petersburg on my own speculation, and of sending horses to the Russian Government for the last fifty years. I once took forty over in a merchant ship, and landed them all as fresh as when they were put on board for the voyage. We take as many rum puncheons for water casks as we have horses, which will last three weeks; the casks were buried in the ballast in midships, where we could get to them when wanted; as for corn and hay, you may calculate for the length of voyage they are going to take."

In a second letter, written on the 17th of March, 1854, Mr. Kirby stated—

"I was myself in the habit of going with horses to St. Petersburg on my own speculation, for twenty-two years, both in war time and in peace, and never had but one horse die on board—but one in the whole time—and mostly landed them as well or better than when they were shipped, and always allowed each horse four feet, so that he could lie down and get up again. The manger was fastened to the ship's side, a ring and staple driven into the ship's side to fasten the horse to, as he would be as if in a stable. Nothing was put behind the horse, but to let him have full liberty, for after the horse had been on board two or three days he will get the movements of the ship; and the horses to windward, when the ship is rolling, will have their hind legs sometimes a yard behind them, and the horses to leeward will have their fore legs a yard before them. In bad weather I should prevent the horses lying down as much as I could, for the motion of the ship keeps their limbs in action. Horses shipped and treated as above, after a voyage of a month or six weeks, will be fit to go into any use required. Since I gave over going to St. Petersburg with horses I have bought horses and shipped them for the Russian Government, for which I have paid 33,000*l.*, and never lost one of them."

Mr. Goodwin received a letter from Captain Jackson, who was born at Moscow, and had for twenty-six years been engaged in the horse export trade; his name was well known in Russia from the fame acquired by the horses he had exported into that country. In his letter, written on the 15th of March, 1854, Captain Jackson said—

> "In sailing vessels the horses are stowed in the hold (the ship being previously ballasted with casks filled with fresh water for the use of the horses) made level with sand, &c. They stand, without slinging, on each side of the ship in separate stalls, as in a stable, leaving a passage in the centre for the grooms. My horses have always had sufficient room to lie down when disposed, and have never suffered any injury, however valuable; but, on the contrary, have been much benefited. I have been as long as twenty-eight days at sea. My father and myself have shipped considerably more than 1,000 in this manner. Hay and straw are stowed on rafters in the hold, above the horses; corn at each end. The watercasks, as emptied, are filled with salt water to keep the ship ballasted. The size of the stalls in sailing vessels is eight feet in length by four in width. No upright stalling required."

A third letter had also been received from Captain Keghly, who had for sixteen years conveyed horses to St. Petersburg, and he confirmed the statements made in the two former letters. The sailing vessels employed by the Government only conveyed sixty horses, if they were of 600 tons burden, and thirty-two if they were of 300 tons burden, while vessels of 900 tons and upwards took out no more animals than those of 600 tons. It was obvious, therefore, that there had been a great waste of tonnage and an unnecessary degree of expense. At present the horses were embarked at Woolwich, and occasionally at Portsmouth, instead of being shipped, as they should be, at Plymouth or Falmouth, in order to abridge the length of the sea voyage, and to avoid the detention that frequently occurred in the river and in the Channel. Surely, on the ground of expense it would be better to embark them at the latter ports, seeing that three or four weeks were now often lost in getting as far as the Land's End, causing great wear and tear of horse flesh as well as unnecessarily prolonging the employment of ships' tonnage. The noble Earl concluded by *moving*—

> "That an humble Address be presented to Her Majesty, for Return of the Number of Horses shipped to the Seat of War by Her Majesty's Government in Sailing or Steam Transports for Military Purposes during the Year 1854, the Amount of the Tonnage of and the Number of Horses conveyed in each Vessel, the Number of Horses that died on the Passage or were rendered unserviceable in each Vessel, the Average Duration of Voyage of each Steam or Sailing Vessel, and the Average Expense of the Transport of each Horse."

THE EARL OF LUCAN quite agreed with the noble Earl who had just sat down, that all horses which were shipped for so distant a place as Constantinople ought to have the sea voyage as short as possible. Indeed, there could not be two opinions on the question. He was perfectly ignorant of the Hull system, as it was called, and he, in point of fact, never heard of it until two or three days ago. He did not quite understand the noble Earl with respect to the number of horses embarked in each transport.

THE EARL OF ALBEMARLE explained that according to the Government plan from 17 tons to 20 tons were required for each horse; whilst under the Hull plan not more than 10 tons and a fraction were required.

THE EARL OF LUCAN: Then in sailing transports more than 10 tons were allotted to each horse. He thought 10 tons were quite enough, and that there had been a great waste of money in not embarking as many horses as each transport would carry. The noble Earl, however, argued as if it were intended to continue the conveyance of horses in sailing vessels; but it was sincerely to be hoped that the Government did not mean to adhere to that plan. The serious losses that had been sustained from the employment of sailing vessels, and the successful voyages that had, on the other hand, been performed by the steamers, conclusively showed the inferiority of the first-named mode of transport. The *Himalaya* arrived at Constantinople with the 7th Dragoon Guards and a detachment of artillery; and though she carried more than 400 horses on board she only lost one animal on the voyage. Again, the *Jason,* with a battery and a half of artillery, carried 237 horses, and only lost one of them. In the passage from Turkey to the Crimea he had no recollection of the horses having suffered any losses in the steam transports. In fact, nothing could be more perfect than the fitting up of the Government steam vessels which, during the last twelve months, had carried not only the English cavalry, but the French also, and rendered a very large amount of other transport service; and yet none of them had lost on an average more than one-half per cent of the whole number of animals conveyed. The system having thus worked so admirably, it would be most unwise and very hazardous to depart from it in order to resort to any other mode—although he certainly was not acquainted with the Hull system.

Lord PANMURE said, as far as it was a question of transporting horses by steam vessels or by sailing vessels, he entirely concurred in the views of the noble Earl opposite. There could be no doubt, that, when steam vessels were at command, from their greater capacity between decks, the shortness of their voyages, and all the conveniences which existed, the suffering to the horses was much less than in sailing vessels, and that the fittings were much more complete. The noble Earl, however, seemed to think that Government had steam vessels at their command to send out all the horses which were required. He must beg very much to disabuse the noble Earl of that belief. A sufficient number of steam vessels for that purpose were not at the command of Government. Government had taken as many as they could obtain with reference to the necessities of the other services; but the greater number of the horses which had been shipped from this country had been conveyed in sailing vessels, and a vast proportion of the horses which still remained to be transported must of necessity find their way to the East in sailing vessels. Now, if they were to go in sailing vessels, the question would arise whether the Hull system should be adopted, or whether the system at present in use, adopted under the auspices and direction of the best cavalry officers that could be found, was or was not the most economical and the easiest for meeting all the requirements of the case? He understood that the practice at Hull was to take a vessel of some 300 tons, strip her between decks from stem to stern, and fit her out solely with reference to the conveyance of horses, but without the slightest reference to the number of men who were to accompany the animals, or to the furniture with which each horse must be accompanied. At Hull the horses were shipped as a matter of traffic between dealers at home and purchasers abroad, and there were not above four or six men in attendance on 100 horses, who had the run of the deck, and nothing to impede them in the discharge of their duties to the animals under their charge. The case of the conveyance of a regiment of Dragoons was very different, for there must be a man and heavy furniture for each horse; and a ship which would carry thirty horses must not only carry them, but thirty men also belonging to the horses, and a number of others besides. The Hull system allowed four feet and a half to each horse, and in the Government system two feet and a half were allowed. He had inquired of cavalry officers what was the result of this practice of embarking horses when they were sent out to India from this country, and he was informed that the horses were never allowed to lie down—in fact, they were so close that it was impossible for them to lie down; but he understood that under each horse was a sling, as it was called, by which it was suspended. In bad weather, if proper care were taken—but in some instances losses occurred from a neglect of paying proper attention to the slings—the horses were kept in a position to prevent them from falling from perpendicular jerks, and they were then left to rely upon their own exertions to keep their footing. The moment the storm passed away, and the motion of the ship became less inconvenient, the slings were taken up, and the horse, with an instinct amounting to the reason of man, threw himself directly into the slings, and found instant relief, and a relief which was much greater than if he had been allowed to lie down. With reference to this system, he had had a return put into his hands, of which he would read a summary. Last year a total of 3,100 horses were embarked both in sailing and steam vessels on this system; out of that number ninety-two were lost; making the loss on the whole about 3 per cent. On that total were embarked in sailing vessels 2,051, the average length of the passage was thirty-nine days, and the loss was 78, or about 3 4-5 per cent. In the steam vessels 1,049 were embarked, and fourteen horses were lost. The average length of the passage was sixteen days, and the loss was about 1 1-3 per cent. This return clearly showed that the system of carrying horses by steam vessels was certainly to be preferred to that of sailing vessels; but when steam vessels could not be obtained, recourse must be had to sailing vessels, to comply with the exigencies of the service. He was of opinion that no fault could be found with the present system, which, out of a total of 3,000, had landed them at a distance of 3,000 miles, after an average passage of thirty-nine days, with so small a loss as 3 per cent.

THE EARL OF LUCAN said, he must beg to observe that there had been no answer to the question; for after all the length of the voyage was the most important point. The condition of the horses which came in the sailing vessels, after they had been six weeks at sea, was such that they were not fit for service for a considerable time after landing. He was quite certain that horses would not be fit for duty on landing if they had been at sea for a longer period than three weeks. Many cases had occurred in the 8th Hussars and the 17th Lancers of the horses when put to work, being found to be with fever in the feet, and having foundered. He was sorry to hear that the Government had any serious intention of employing sailing vessels for the transport of cavalry, while there was an amount of steam power at their disposal which, if properly used, would enable them to dispense with sailing vessels. If there were none to be got in this country he was sure they would find a number of steamers lying idle in Balaklava Harbour, sufficient to carry a very large body of cavalry to Constantinople within the next six weeks. Though he could not say that there were quite sixty there, as had been stated in the course of the week, he believed there were constantly very nearly that number lying in or off the harbour, and he never could discover of what possible use they were there. Why did not the Government bring home the *Jason*, the *Simla*, or the *Trent*, vessels which were fitted up for the conveyance of cattle, and which were not now wanted there at all? Certainly, the Government would incur great responsibility if they allowed these vessels to remain idle at Balaklava, and at the same time took up sailing vessels at home for the transport of cavalry to the seat of war.

THE DUKE OF CAMBRIDGE: I entirely agree with my noble Friend (the Earl of Lucan) in condemning the conveyance of cavalry by sailing transports when steamers can be obtained, and I cannot help thinking, with him, that an arrangement might be devised by which some of the vessels which he named could be brought home and rendered available for the transport of horses from this country. No doubt there has been a great deal of time lost hitherto in this respect, and I am persuaded that if a system of transport by steamers were adopted it would enable the Government to despatch horses with greater facility and in greater efficiency than they can do by sailing vessels. Take the instance of the *Himalaya;* she was only a fortnight going from this country to Varna, while the average passage of sailing vessels was thirty-nine days. The *Himalaya*, therefore, would have made two or even three trips while a sailing vessel was making one, and, in addition to gaining time, you would have saved all that knocking about to which the horses, to their great detriment, are exposed in the sailing transports. I would, therefore, strongly impress upon my noble Friend the Minister of War the advantage which would be gained by establishing a service of steam transports, to be despatched regularly once a week, or once a fortnight, as the case might be, by each of which you would be able to send out 300 horses in the most simple and easy manner. At the period when the first horses sent out were despatched I was Inspector General of Cavalry, and I conceived it to be my duty to inspect the vessels prepared for their reception. I had the advantage at that time of having an interview with Mr. Goodwin, who has been referred to, who explained to me the Hull system—which I must say I have never seen—much in the same manner as it has been described by the noble Earl (the Earl of Albemarle) to-night. In my humble opinion, however, it would be extremely inconvenient that so large a space should be sacrificed in the Government transports as would be the case if the Hull system were adopted; for than one body should be buried in one grave. That order, however, had been entirely disregarded; and under those circumstances he (Sir G. Grey) had given such directions as would, he hoped, prevent the continuance of those abuses.

ADMIRAL OF THE FLEET—QUESTION.

CAPTAIN **DUNCOMBE** inquired whether it was intended to appoint an admiral of the fleet?

SIR C. **WOOD** said, that the office of admiral of the fleet was not an office of course, as was implied by the question of the hon. and gallant Member, but it corresponded to the rank of field marshal in the army, and there might be sometimes officers of that rank, and sometimes none. It was not intended at present to recommend the appointment of an admiral of the fleet.

STAMPED ENVELOPES—THE LETTER CARRIERS—QUESTION.

MR. T. **DUNCOMBE** said, he begged to ask the hon. Secretary of the Treasury, when it is likely that the public will be able to obtain stamped sheets of paper and private envelopes for free transmission by post; also to call attention to the fact, that his promises, on the part of the Government, that the recommendations contained in the Report on the Post Office, relative to the letter-carriers of the metropolis, should be speedily carried out, remain unfulfilled?

MR. **WILSON** said, that the first question related to a matter of some importance to the public, and he was glad to have an opportunity of replying to it. There had been a great desire on the part of the public to be enabled to send to Somerset House paper and envelopes to be stamped with postage stamps; but there was a doubt whether, under the Act establishing the penny post, any paper could be used except that with a thread drawn through it, as directed by the Act. The Government had taken the opinion of the law officers of the Crown, and they had reported that no such precaution need be used, and the Treasury had given authority to the Board of Inland Revenue at once to stamp paper and envelopes, and he had today signed a minute directing immediate preparation to be made for that purpose. When, however, he stated that 8,500,000 of these stamped envelopes passed through the post every week, the House would see that it would take some time to prepare the requisite machinery before the stamps could with safety be delivered to the public. The Board of Inland Revenue had stated, that in two months they considered that they would be ready to receive paper and envelopes for stamping. It was obvious that much inconvenience to the machinery would arise from the stamping of small quantities, and it was necessary to put some limit to the quantity sent in at once. It was proposed that if not less than 10*l.* worth of stamps, or 2,400 of them, were sent in at one time, they would be stamped free of any charge except the duty; but if smaller quantities were sent in, a fee of 1*s.* would be payable for the trouble and expense of altering the machinery. With respect to the second portion of the question asked by the hon. Gentleman, he had to state that the preliminary arrangements for carrying the recommendations of the Treasury respecting the letter-carriers into effect would be completed to-morrow, and the arrangement with regard to the additional payment would take place after the 31st of that month.

EDUCATION (No. 2) BILL.

SIR **JOHN PAKINGTON**:* Mr. Speaker, in the first place, I beg to express my thanks for the courtesy and fairness with which the noble Lord at the head of the Government has enabled me, on an evening usually devoted to Government business, to bring under the consideration of the House the Motion of which I have given notice. It is perfectly true that I might have laid my Bill on the table, following the example of the noble Lord the late President of the Council, and postponed any explanatory statement until I moved the second reading. But I was unwilling to take that course, partly because there are several portions of this great question of the education of the people to which I wish to draw the attention of the Government and of the House in a preliminary statement of this kind; and, further, because I confess I feel, in my position as an independent Member of this House—possessing no official power or influence—that to propose the introduction of a measure of this magnitude, without giving any explanation of the grounds on which I propose to do so, or of the nature of my measure, would be a course both unusual and disrespectful to this House.

Sir, I am in hopes that the House of Commons will consent, for a portion of this

Session, to withdraw their attention from the absorbing interests of the war in which we are engaged, and give consideration to a question which I believe to be by far the most important and the most pressing of all questions of the present day, affecting the safety and welfare of the institutions of this country. After a brief interval of time—I trust after a few months—the war will have ceased, and peace will have returned; but, unless this House will consent to address itself seriously to the present state of public education, we shall still find ourselves surrounded by that mass of ignorance and of crime which is now tarnishing our national character, and, I believe, sapping and undermining our national prosperity. There is no question to which Parliament is more bound to address itself; and if the House will favour me with its attention, I think I shall be able to show that there is no subject to which it is bound to devote more anxious consideration. But even from the events of the war we may draw a sound argument in favour of the extension of education, for if there are still persons who doubt the policy and the wisdom of improved education—if there are still persons who think that to teach our fellow-creatures their duty to God and man—to cultivate their minds, and to raise them in the social scale, is to unfit them for undustrial pursuits and the vocations of useful life—I think I may turn to recent experience of what education has done for the British soldier as a satisfactory, nay, a triumphant answer. No class of men ever made a more rapid advance in moral and intellectual improvement than the British soldier has done in the last forty years. What has been the result with respect to his efficiency? I appeal to the events of the last few months; at any period in the history of the nation has the British soldier proved himself more brave, more highly disciplined, or more enduring than in the present campaign in the Crimea, chequered as it has been by the most extraordinary combination of victory and disaster?

Sir, I can assure the House that I approach this subject not only with a deep sense of its importance, but also of the numerous difficulties with which it is beset. I am also so sensible of the almost impossibility for an independent Member of this House, without official power or influence, successfully to legislate upon this subject, that I think it right to explain the motives which have induced me to bring it forward, lest I should be charged with presumption for making such an attempt. In determining upon the course which I have taken I have been influenced by the belief that the Government of Lord Aberdeen, deterred either by the difficulty of the subject or some other reason, had abandoned all idea of legislating upon it. The House will not fail to recollect that, on the formation of that Government, the necessity of the improvement and extension of education was put in the very van of their professions, and shortly after they took office, the noble Lord the Member for London—a distinguished Member of Lord Aberdeen's Government—introduced a measure on the subject. I am not about to discuss the merits of that measure, though, I may venture to say, there was in it much that I approved, and much that was, in my opinion, worthy of discussion and consideration in this House; but that Bill was never taken even to a second reading. The noble Lord introduced it in an able speech, but after it was introduced the subject gradually dropped, and we heard no more of the Bill.

What occurred again last year? In the Session of 1854 the Manchester and Salford Bill—a Bill which, in my judgment, was one of the most important plans for the advancement of education in this country ever broached—was brought under the consideration of this House, and after years of labour, great expense, and most praiseworthy exertions on the part of a great number of gentlemen at Manchester, and, above all, after a combination of men of different religious persuasions in endeavouring to legislate on the subject, how was that Bill treated? It was rejected, in consequence of what I must call a paltry quibble, whether, according to the forms of the House, it was a public or a private Bill. The noble Lord the Member for London made a short speech upon that occasion, and left the House; the Treasury benches were empty—and the measure was discussed in the absence of, and without assistance from, Her Majesty's Government; in fact, throughout the whole of last Session, Government gave no intimation whatever of any intention to revive the question of education, and, as far as the House knew, it was totally thrown aside. It was under those circumstances, that, convinced as I am most deeply that it is a subject which must not be dropped, but that, sooner or later, it must be dealt with by Parliament, I determined, however inadequate I might be to the task, to undertake to grapple with it, and accordingly I gave notice that I should, during the present Session, bring in a Bill on the subject.

Parliament met before Christmas, when I renewed my notice. My Motion was fixed for the 25th of January, but on the 23rd, two days before my notice was to be brought on, the noble Lord the Member for London came down to the House and announced that he would bring in an Education Bill. That Bill was introduced a few days afterwards, and is now on the table. I say it without the least disrespect to the noble Lord, but I cannot help suspecting that I may justly claim the merit of both these Bills, for, in all probability, had it not been for my notice, we should not have had the Bill of the noble Lord; and I think the House will feel that after the notice I had given, after devoting considerable time and attention to the subject during the recess, I should not be justified in now receding from the task which I had undertaken. At the same time, I wish it to be understood that it is in no spirit of rivalry to the noble Lord the Member for London that I bring forward this measure. I gladly recognise the exertions of that noble Lord in the cause of education during a lengthened period of time, and had he last Session given the least intimation that he would deal with the subject, I should not have presumed to do so, but should have left it in his hands. The noble Lord, however, has now taken the matter up, and by doing so has practically recognised the necessity of our devoting our attention to the subject, and I earnestly hope that, by God's blessing, the exertions of the noble Lord, and the willingness of this House to entertain the question, it may at length be satisfactorily settled.

Before I explain to the House the present state of education in this country, I may be permitted to call the attention of the House, and particularly of Her Majesty's Government, to one point which is of the greatest possible importance in connection with the subject, and I am the more desirous to do so because it is not embraced either in the measure of the noble Lord or in the Bill I am now asking leave to introduce. I allude to the present constitution of the Committee of Council, and I must say, that I, for one, entertain a feeling of great dissatisfaction, which I believe to be very general, both with respect to the constitution and the working of that Committee. In the first place, I think it has become far too important, and is intrusted with functions of far too great magnitude, to continue any longer without being recognised as a department of the State, and distinctly represented in this House. My objection to the action of the Committee of Council is, that while Parliament is liberal — while we from year to year have been voting increased sums of money for public instruction—our grants are badly administered. Of course I do not pretend to deny that the Committee has done great good, or that the liberality of Parliament in voting increased sums has promoted education, but I think that those sums under the management of the Committee of Council have hitherto produced the minimum, instead of the maximum of good. If I remember rightly, we have risen from the paltry grant of 10,000*l*. or 20,000*l*., twenty-two years ago, in the time of Lord Grey's Government, to the liberal sum of 300,000*l*. per annum, and I agree with those who think that no body of men ought to be intrusted with the administration of so large a sum for public purposes, without there being a responsible Minister in this House who can account for the manner of its employment. There is no precedent that I know of; but there is a somewhat similar case of recent occurrence—that of the Poor Law Board.

The House will recollect, that after the institution of the Poor Law Board, gentlemen of great ability and of the highest character were appointed Commissioners. Still, not many years elapsed before dissatisfaction began to arise, and the public demanded a change. The consequence was, that the Poor Law Board is now represented as a department in this House; and why should we not have a department for education? The Lord President of the Council is now, in fact, the Minister of Instruction; but I contend that the time has gone by when we can be satisfied with a kind of half-and-half department, practically superintending education, and yet not recognised in the House of Commons. I hope that the time will soon arrive when we shall see a Minister in this House responsible for the money which is expended, and able to give to the House and to the country any explanations which may be required.

In other countries the necessity for an Educational Department is recognised. In France, in Prussia, and in every canton in

Switzerland, there is a Minister of Public Instruction; in America education is recognised as a public department of the State; and in Holland there is a department forming a part of the Ministry of the Interior. There are precedents enough abroad, and I think that those precedents, together with our own experience, establish the necessity for such a system at home. The first duty which the department would have to discharge is one of paramount importance, namely, the providing of efficient masters. That is a point to which, in a praiseworthy manner, the Committee of Council have devoted a great deal of attention; but I submit that they have not done it with wisdom or success. The fact is, that the thing is injudiciously done; the masters are so overtrained that they are, in too many cases, above educational duties, and they take to other pursuits. Mr. Kennedy, one of the inspectors, complains that those who have been educated in the training institutions betake themselves, in a great number of instances, to holy orders. Mr. Moseley, a very able inspector, takes the same view of the subject, and so, also, does the Rev. Mr. Mitchell.

In addition to this, I hold in my hand a letter from the principal of one of the largest training institutions, in which, after stating that every one who is mixed up with the practical work of education is very dissatisfied with the Government scheme, and that the funds are badly administered, the poor localities receiving no encouragement, while others get more than their share, the writer goes on to say—

> "I do not believe that one in five of the pupil teachers ever become schoolmasters or schoolmistresses. Hence there is a great dearth of masters. In short, other trades pay better than that of a master, in proportion to the work done and the sacrifices made. The minutes of 1846, therefore, have failed in this important respect."

Surely such statements confirm my opinion that we ought to have the means of Parliamentary inquiry into these matters. I am afraid that it would be found, upon investigation, that not more than two-thirds of the pupil teachers ever become masters. It appears, therefore, that we are devoting the public money to educating persons who subsequently become clerks, or betake themselves to different pursuits from that for which they were intended. But more than this; I have said that the public money is misapplied, and I believe that it is misapplied in this way—that the grants which are annually voted by Parliament are given under the Minutes of Council to rich districts to the exclusion of poor ones. The minute under which the grants are issued requires that a certain proportionate sum should be provided by the locality, and the consequence is that the poorest districts, which are in most need of assistance, get nothing from the annual grants of Parliament.

I will illustrate this by a reference to eight parishes in this metropolis—four poor parishes and four rich ones; I will take the four poor parishes first. Clerkenwell, with a population of 64,763, has received 8*l.* 17*s.* 4*d.* for books; St. Giles's, with a population of 37,407, has received 3*l.* 3*s.* 4*d.* for books; Shoreditch, with 25,511 inhabitants, has received nothing; and Shadwell, with 11,700 inhabitants, has received nothing. Now, contrast with this four rich parishes—St. Michael, Chester Square, with a population of 8,500, has received 465*l.*; St. Barnabas, or part of St. Paul, with only 8,000 inhabitants, has received 400*l.*; Kentish Town, with 5,000 inhabitants, has received 846*l.*; and Kensington, with 30,000 inhabitants, has received 2,197*l.* The four poor parishes, therefore, with an aggregate population of 138,900, have received 12*l.* 0*s.* 8*d.*, while the four rich parishes, with a population of upwards of 50,000, have received 3,908*l.* [Mr. COBDEN: Is that in one year?] No; from the commencement of the annual grant down to the present moment. That sum of 3,908*l.* granted to these four rich parishes has, no doubt, effected a great amount of good. I do not deny that; but is it the policy or the intention of this House, in voting so large a sum of money as it annually does for the purposes of education, that the rich only should be benefited, while the poor are to have nothing? because, practically, that is what it comes to. I attach great interest and importance to this part of the subject. The Bill which was brought in by the noble Lord the Member for London proposes to give increased powers to the Committee of Council, and I also propose to give increased powers to that department to which the duties of public instruction are attached; but while I am anxious to place increased powers in the hands of the educational department of the State, I must beg at the same time to state that I am not content to place those powers in the hands of the Committee of Council as it is at present constituted.

I will now venture to ask for the attention of the House, while I make some statements upon the present state of education in this country. I doubt whether the full extent of our deficiencies is generally understood. I have read and I have been told that this question may be left as it is; that we are going on well; that we have a liberal Parliament and an active Committee of Council, and everything is advancing; but, Sir, I think that I shall be able to show the House that, instead of going on well, we are going on scandalously ill. As regards this great matter of public education, the state of the country is most threatening, and the time has arrived when this House is bound to give its most serious attention to this subject.

It will be my duty to lay before the House some very startling statements, but I shall carefully endeavour to avoid anything like exaggeration, and I shall make no statement without giving my authority, and in most cases I think the House will find that the statements which I shall make are drawn from official sources. When the noble Lord the Member for London brought this subject under the consideration of the House in 1853, I think he fell into the same error which has pervaded many similar statements. I think he fell into the error of taking too flattering a view of the question. The noble Lord entered into a history of the progress of education in the country from the very commencement of the first efforts that were made by this House in that direction. The noble Lord told us the increase that had taken place since that time in the number of schools and of scholars attending them; but throughout the able speech with which he introduced the subject he did not once touch upon the other side of the question. It is time that the country should know what is the real truth, and I shall endeavour to state it. What was the point upon which the noble Lord dwelt with the most satisfaction? It was the increase in the number of children attending school between the years 1818 and 1833; and again, between 1833 and 1851. In the year 1818 the proportion of children at school was 1 in 17, in 1833 it was 1 in 11 and a fraction, and in 1851 the proportion had increased to 1 in 8 and a fraction. That, no doubt, appears to be an improvement, and to a certain extent I admit that it is; but if we analyse the figures, and especially remembering that the statistics of 1833 have been called in question, we shall find that the ratio of advance between 1833 and 1851 is by no means equal to the ratio of advance between 1818 and 1833. I believe it to be a fact that many of the most important districts in England were in a worse condition in 1851 than in 1833. As instances, I may mention York and Liverpool. In Liverpool, in 1833, the proportion of children attending school was 1 in 7 and a fraction, while in 1851 it was 1 in 8 and a fraction; so that the state of education in Liverpool has positively retrograded, and that is also the case with regard to York. But I may remind the House that the consideration of the number of children attending school forms by no means the whole of the question to which I wish to call attention, but that we must also consider what is the quality of the education received. Are the children who attend school properly taught? I think that the House will perceive that this question is of greater importance than even the relative numbers of the children going to school at the different periods I have mentioned. In describing our present position, I shall regard it in four points of view—1st, the number of those who receive no education at all; 2ndly, the quality of the education received by those who attend schools; 3rdly, our comparative state with regard to the rest of the civilised world; and, 4thly, the deplorable results of our neglect of this question.

The House is aware that we are indebted for much information to very able reports on the census by Mr. Horace Mann. It appears that the population of this country in 1851 amounted to 17,927,609. The number of children between 3 and 15 years of age was 4,908,696; of these 2,144,378 were at school, so that there remained very nearly 3,000,000 to be accounted for. To account for this number Mr. Horace Mann first makes a deduction of 1,000,000 for children engaged in work. I confess I am unwilling to admit that deduction; I think that in any country where education rests upon a sound basis, children ought not to be allowed to work before they are educated, or, at all events, it is a matter of doubt whether it is right to recognise such a reason for not being educated. However that may be, Mr. Horace Mann makes a deduction of 1,000,000 for children engaged in work, the actual number returned as at work being, I believe, about 600,000. He then makes a deduction of 200,000 for children suffering from illness, and of 50,000 for those who may be educated at home. So that, even allowing these deductions—and I demur to the first—a very large number of children remains wholly unaccounted for. To proceed further, I admit it may be fair when treating of the labouring classes to deduct children below the age of 5 and above the age of 12, and I find the number of those children to be 647,856, and the result is, that the number of children between the ages of 5 and 12 not at school amounts to 968,557. I then come to the natural inquiry, why are they not at school? I ought, perhaps, in frankness to state to the House that the children considered not to be at school were so considered because they were not entered on the school books, but perhaps a portion of them might have been to school at some time or another; but Mr. Horace Mann has observed, and with great justice, that he does not know whether it is a greater evil to have a number of persons without education, and the rest of the community well educated, or to have the whole mass educated badly, and for too short a period.

But I return to the question, why were these children not at school? Some persons say that the reason is, because they are engaged in work; but that, I believe, is a mistake. I find that in Manchester the number of children between the ages of 3 and 15 were 69,500; of those 32,000 were at school, 7,000 were engaged in work, and there remained over 30,000 neither one nor the other.

The general result throughout the whole kingdom stands thus—that 41 and a fraction per cent are at school, only 12 and a fraction are at work, and 46 and a fraction per cent are neither at school nor at work. Now it will be seen from these figures that the number of children at work cannot be set down as the main cause of the existing deficiency in education. The real causes I believe to be partly the poverty and partly the indifference of the parents, and I think this indifference may again be attributed to two causes—their own uneducated state, and the badness of the education which is afforded in this country. Some of these unhappy parents have never been educated themselves, and therefore cannot appreciate the advantage of education to their children; others find the education in the schools to which their children could alone have access, so bad that they care not to send their children to partake of it.

Having now shown the House the large number of children who are not at school at all, let me pass on to a point which is not of less importance—namely, the inferior quality of the education which too many of those who do go to school receive. A comparison drawn between the education imparted in this country and that afforded in other parts of the civilised world is, I think, a melancholy one, so far as we are concerned; for I believe we shall find that, with the exception of Russia, Spain, Italy, and the Slave States of America, England is at the bottom of the scale. Thus, I find that in Switzerland, in several of the cantons, there are 1 in 4 and a fraction of the population at school; in Saxony 1 in 5; in the United States—New York and other of the free States—some 1 in 5, and others 1 in 6; in France, 1 in 6; in Wurtemburg and Prussia, 1 in 6; in Denmark, 1 in 7; in England, 1 in 8$\frac{1}{3}$. But this is not all. In these other countries 1 in 6 receives a good education, while in England 1 in 8$\frac{1}{3}$ receives an education, in too many cases, of the most deficient and unsatisfactory character.

With the permission of the House, I will now proceed to state the nature of the difference which exists in the systems of these countries. What is the teaching in the elementary schools of Prussia? In Prussia every complete elementary school necessarily comprehends the following objects: 1, religious instruction, as a means of forming the moral character of children according to the positive truths of Christianity; 2, the German language; 3, the elements of geometry, together with the general principles of drawing; 4, calculation and practical arithmetic; 5, the elements of physics, geography, general history, and especially the history of Prussia; 6, singing; 7, writing; 8, the simplest manual labours, and some instructions in husbandry, according to the agriculture of the respective parts of the country. The instructions in religion, reading, writing, arithmetic, and singing, are strictly indispensable in every school. That is the system of Prussia. In Switzerland, the education given by the masters in the parochial schools includes—1, religious instruction; 2, reading; 3, writing; 4, linear drawing; 5, orthography and grammar; 6, arithmetic and book-keeping; 7, singing; 8, the elements of geography, and particularly of the geography of Switzerland; 9, the history of Switzerland; 10, the elements of natural philosophy, with its practical applications; 11, exercises in composition; 12, instruction in the rights and duties of a citizen. In Denmark, education is very widely diffused, there being very few persons, even among the lowest classes, who are unable to read and write. In that country a general code of regulations for schools has existed since 1817, and the condition of the primary education has, since that period, made a continuous and very satisfactory progress. Parochial schools are almost everywhere established, and here, as in Prussia, attendance at school is not optional, for by a late law all children from the age of seven to fourteen years must attend some public school. Children whose parents are unable to pay the usual school fees are educated at the public expense. The instruction in the primary schools includes, besides reading, writing, and arithmetic, history, geography, and natural history. In France, under the system adopted by M. Guizot, when Minister, by the statute of the 25th of April, 1834, upon the elementary schools, the instruction in these schools comprehends—1, moral and religious instruction; 2, reading; 3, writing; 4, the elements of arithmetic; 5, the elements of the French language; 6, the legal system of weights and measures; 7, geography, particularly of France; 8, history, particularly of France; 9, linear drawing; and 10, singing. Every elementary school is divided into three divisions, in which the pupils are ranged according to their age and the progress they make in their studies. The religious and moral instruction is the principal duty of the schoolmaster in each division, and all the classes commence and terminate with prayer. In Germany, generally, there is, it is said, the greatest desire among the lower classes that their children should enjoy the advantages of the excellent education provided for them. But the Governments of Wurtemburg, Hesse, Bavaria, &c., have not trusted entirely to this feeling, but have enacted regulations by which every individual is compelled to send his children to school from the age of six to fourteen years. In Hesse, for example—and its regulations are similar to those in the other States—the public functionaries transmit regularly to Government, once every six months, a list of the children in their respective districts who have attained their sixth year, and they are bound to see that they are sent to school. In the event of the parents being unable to pay the school fees, a statement to that effect is prepared by the parochial authorities, and the fees are paid by the public. In Holland there is scarcely a child ten years old, of sound intellect, who cannot both read and write. For these statements I am indebted to Mr. Kay's excellent work on the state of Education in Europe. I need not state to the House how perfect is the system of elementary instruction which prevails in America. I now come to England, and mark the contrast.

From the report of Mr. Mann, I find that there are 44,800 schools established in England and Wales, teaching as follows:—Reading, 98 per cent; writing, 68 per cent; arithmetic, only 61 per cent; English grammar, only 44 per cent; geography, only 39 per cent; music, 10 per cent; and industrial occupation, which, in my humble opinion, ought to be one of the primary objects of school training for the working classes, only 2 per cent! Such is the general character of the instruction afforded in this country. Now let me state to the House the condition even of the Church schools, and I shall do so upon the authority of the National Society as to their own establishments.

It appears that of the Church schools "not more than 30 per cent are legally secured for educational purposes; that 47 per cent of the whole are neither legally nor virtually so secured; that of the 47 per cent about 50 per cent are in dames' cottages, corners of churches, belfries, kitchens, or other rooms in parsonage-houses; and that the remainder are of an unsatisfactory character." This, remember, is an account given by the National Society of the Church schools in connection with them. Now, let me turn to the authority of Mr. Horace Mann with regard to the character of about 30,000 private schools out of the 44,000 to which I have adverted:—

> "A rough attempt to classify, according to efficiency, the 29,425 private schools which sent returns, produced the following result:—superior, 4,956; middling, 7,095; inferior, 13,879; undescribed, 3,495. The distinction, of course, is, in some measure arbitrary—the returns not always furnishing the means for an unhesitating judgment; but I believe it does not represent unfairly the actual state of things with reference to private schools."

He adds these significant words:—

> "In the case of 708 of these 13,879, the returns were respectively signed by the master or mistress with a mark."

Thus in upwards of 700 out of these 13,800 inferior schools, or about 1-18th part of the whole, the masters or mistresses —the persons upon whom the efficiency of the school mainly depended—were unable to write their own names, and signed the returns for the purposes of the census with a mark! Can anything show more conclusively the miserable inferiority of the system in operation in this country? If you are disposed to console yourselves with the idea that you have one in eight and a fraction of the population of England at school, let me ask you to reflect what sort of schools they go to, whether the education they receive is one which ought to be offered to the people of this country, or whether it does not seem disgraceful to us when we compare that education with the instruction imparted in foreign countries, the particulars of which I have given to the House?

I must now turn to the deplorable results which have accrued from the insufficient character of the education imparted. When I shall have stated what these deplorable results are, I think it will be admitted that the attention of Parliament ought to be directed to the subject. First of all, I will touch for a moment upon a point, the importance of which will be acknowledged by every one who studies this question—namely, the connection between ignorance and crime. The House will be aware that it is difficult to obtain full information upon this matter. Our own statistics of crime are very imperfect. We have annual returns of the trials at our sessions and assizes, but the returns of summary convictions are not regularly and annually prepared. The only foreign country with regard to which I have statistical returns of the state of crime is Austria, and I am obliged, in dealing with the case, to draw a comparison between different years. I find that in 1846, when the population of England was 17,018,600, the number of persons committed for trial was 25,107, and the number summarily convicted was 35,749, making altogether 60,856 persons convicted of crime. The population of Austria in the year 1838 was 23,652,000, and the detected crimes amounted to 29,492. The result was, therefore, that, while the population of Austria was upwards of 6,500,000 more than that of England, the detected crime in England was double that of Austria. In Galatia and Dalmatia, the least educated of the Austrian provinces, crime was most prevalent. I give this statement for what it is worth, but it is a point which I could not omit, inasmuch as it shows that in Austria, which is one of the best educated countries in Europe, crime is greatly less than in England. In fact the difference is this, that in Austria 1 in 800 of the population is detected of crime, while in England about 3 in 800 are detected, making a difference of nearly three to one.

I will now give you some statistics connected with the state of education in the metropolis. In four parishes north of the Thames, — Stepney, St. George's-in-the-East, Bethnal Green, and Shoreditch — with a population of 358,601, I find that the total number of children is 44,824, out of which the total number at school, including ragged schools, is 18,897. In the four parishes of Lambeth, Newington, St. George's, Southwark, and Bermondsey, there is a population of 304,093, and the general result, taking the eight parishes together, is that there is a total population of 662,694, of which number, if one in six were at school, as there ought to be, there would be a total of 110,449 receiving education. I find, however, that the actual number at school, including ragged schools, is only 35,306, and, deducting 27,611, or one-fourth, for those educated in private schools, there still remains a balance in these eight parishes of 47,532 who receive no education at all. I can give the House no practical results of the ignorance which thus exists in London, but I think that those conversant with the subject and the state of the metropolis will have no very great difficulty in arriving at a conclusion as to what must be the state of 47,000 children in London who have no means of education held out to them.

I am now enabled to give the House some statistics of the state of education in the west of England, derived from official sources. In the Report of Mr. Ruddock, Inspector of Workhouse Schools, given in 1853, in reference to the counties of Cornwall, Devonshire, Somersetshire, Dorsetshire, and Hampshire, he states—

> "The new children thus admitted were grossly and absolutely ignorant. I have been painfully struck with the uniformity of ignorance which is shown to prevail among the newly admitted in all the returns sent to me. It is not only that children of twelve to fifteen years of age cannot read or write, but they are not acquainted with the Creed, or with the Lord's Prayer, and scarcely know that there is a God in Heaven. Personally, I have made inquiries in most of the unions in my district whether such cases were of frequent occurrence, and the invariable answer has been

that they are the rule and not the exception. The most complete and heathenish ignorance seems to prevail among the children of those whom a temporary pressure obliges to apply for parochial relief."

Turning to Newcastle-upon-Tyne, I find that in the year 1851 that borough possessed a population of 87,000, and of this number 18,470 were children between the ages of five and fifteen. Mr. Stewart, one of the Government Inspectors, states in his official Report—

> "For the education of this vast population there are but 119 schools, and only 28 of these are returned as public. In all the 119 schools there were only 7,553 children in attendance on the 31st of March, 1851, which leaves the enormous number of 11,447 children unaccounted for."

Mr. Stewart subsequently adds—

> "These statistics certainly tend to establish the opinion that neglected childhood and juvenile crime stand to each other in the relation of cause and effect."

I will now give the House some statistics of the state of education derived from an entirely different source. Mr. Mitchell, one of the Government Inspectors, thought it his duty, as one mode of ascertaining the state of education in the eastern counties, to apply to the colonels of certain regiments of militia for information as to the state of education of their men. The regiments to which he applied were the Cambridge, the West Essex, the Essex Rifles, the Huntingdon Rifles, the East Norfolk, the West Norfolk, the Suffolk Artillery, and the West Suffolk. The aggregate number of militiamen was 5,677, and the only test applied in this case was whether or not the men could write their names. Out of the whole number of 5,677, only 2,051, or very little more than one-third, could write.

With respect to the state of education in the county of Worcester, I have applied for information to the chaplain of the county gaol—a gentleman upon whose authority I can implicitly rely; and he has given me a return, showing the education of the prisoners committed to Worcester Gaol from Michaelmas, 1853, to Michaelmas, 1854. The number committed during that period amounted to 1,118, of which number no less than 415 were totally ignorant, being altogether unable to read or write. The gentleman furnishing me with this information further states—

> "The result of my experience is to fill me with sorrow at the woeful amount of gross ignorance on moral, religious, and useful subjects in the great majority of cases."

That is the language of a gentleman of whose personal worth I can speak from long experience. I may now turn to the evidence of another gentleman, who, I believe, is known to many hon. Members of this House; at any rate by name. He has long devoted his attention to the welfare and improvement of the working classes, and he is, I believe, a man of the most unimpeachable character. I allude to the Rev. J. Clay, Chaplain of the Preston House of Correction. I hold in my hand one of Mr. Clays' Reports, and extracts from several others, and I find that in the Report of 1846 Mr. Clay writes thus—

> "During three years' observation, the performance of my duty has brought me in contact with 1,733 men and boys, and 387 women and girls altogether unable to read; 1,301 men and boys, and 287 women and girls who knew not the name of the Sovereign; and 1,290 men and boys, and 293 women and girls so incapable of receiving moral or religious instruction that to speak to them of virtue, vice, iniquity, or holiness, was to speak to them in an unknown tongue."

Mr. Clay has been in the habit of ascertaining the exact state of the education of prisoners in Preston Gaol, by submitting to them certain questions, and by his Report in 1849 it appears that of the 1,949 persons committed to that Gaol, 48 and a fraction per cent were unable to read; 41 and a fraction per cent were ignorant of the Saviour's name, and unable to read the Lord's Prayer; only 10 per cent. were acquainted with the elementary truths of religion; 67 per cent. were unable to name the months of the year; 61 per cent. were ignorant of the name of the Queen; 62 per cent were ignorant of the words "virtue" and "vice;" and 19 and a fraction per cent. were unable to count a hundred. I have before me Mr. Clay's Report of 1848, which presents the same general results. I was so struck—I may so struck with horror—on reading these tables, that I wrote to him to ask if there were no mistake, and if I could venture to state these startling facts to the House of Commons; and he wrote me back to say I might rely on their accuracy.

Sir, we are very prone in this country to boast of our institutions. We are very prone to boast of our representative system, and to imagine that we are setting an example to other nations. A little while ago we said, "If our army is not numerous, our military system is at least perfect." I think that dream has been somewhat rudely broken, and let us take care that in other matters of greater weight and moment to the welfare of the people, instead of setting an example to the civilised world, we do not become a laughing-stock to the other nations of Europe.

What can be more discreditable to us as a nation than to have such a state of things existing as that which I have now detailed? Is it a state of things which we should bear with patience and say, "We are doing very well; we are making liberal grants; we have an active Committee of Council, and the percentage of 1851 is better than the percentage of 1833; let us be content." Can we honestly be content? Is it consistent with the duty of Parliament that we should be content? I for one, Sir, will not be content. However unfitted I may be for the task upon which for I have entered, I will say this, that if Parliament permits the continuance of such a condition of things as I have just disclosed it will be neglecting one of the first and most paramount duties of a Christian legislature. Is the state of the African savage, or the North American Indian, worse than the state of the men of whom I have spoken? These are not instances of individual cases here and there. We find in one year, in one gaol an aggregate of 800 persons who never heard the name of the Saviour. We find in one year, in one gaol, 1,200 persons who never heard the name of Queen Victoria. We find in one year, in one gaol, 1,300 persons who did not know the months of the year. This, Sir, is ignorance not of religion only, but of everything, both secular and religious, which can tend to elevate human beings and make them worthy of the name; and Mr. Clay is right when he declares, in one of his Reports, "it is worse than barbarism;" because, while these unhappy outcasts know nothing of a Saviour, while they have scarcely heard of the existence of a God, while in every branch of proper and useful knowledge, they are darkly ignorant, on the other hand, they are conversant with vice, they are familiar with crime, and they are steeped in debauchery; and these are the men who, when they transgress the laws of their country, are severely punished, though it is hardly just to consider them as responsible beings.

Well, Sir, and then I am sometimes told that frightful as this evil is, it is impossible to afford a remedy, and when I ask why, I am told it is because one man is a Churchman, and insists on teaching the Catechism, and another man is a Dissenter, and will not receive the Catechism. I should like to know what these distinctions between Churchmen and Dissenters are to the hundreds, I may say thousands, of human beings who know nothing of even the primary truths of religion? Is it not a mockery? Is it not time we should try to discover some middle ground, on which Churchmen and Dissenters may meet, remembering the great cardinal doctrines of Christianity, in which they agree, and thinking more of them, than of those points of government and discipline upon which in many cases they chiefly differ. I do not ask the Churchman not to teach the Catechism. I am a Churchman myself and will not forego the Catechism. I do not ask the Dissenter to receive anything to which he objects; but I do ask, nay, I implore both Churchman and Dissenter to recollect the urgency of such a state of things as I have developed, and in a spirit of toleration and charity, to see if some mode cannot be adopted by which to spread knowledge amongst these miserable beings and teach them their duty to their country and their God.

These are the circumstances which have induced me to bring this subject before Parliament, and to propose a measure, the nature of which I will now explain. I do it with the greatest diffidence, knowing the difficulties by which the subject is surrounded, and, above all, I can assure the House I do it in no party sense, with no party object, and seeking no party triumph. On the contrary, I believe this subject will never be settled by the struggles of contending political parties, and it is my anxious desire to combine men of all opinions in the endeavour to solve this great question, and overcome a state of things which, I repeat, is dishonourable and discreditable to the country.

Although it is in my opinion one of the most doubtful points in my plan, I propose that the Bill shall be permissive. The noble Lord's Bill is also permissive. I confess I am not very fond of permissive legislation, and we have many instances in which legislation of that kind has not conduced to the public welfare; but, knowing the difficulties of the question, and not having the power which attaches to a Government, I thought it wiser to give the Bill that character.

I shall endeavour to assimilate the mode of proceeding with reference to education to the mode which has been adopted with such signal success with reference to the administration of the Poor Law. In my humble opinion the noblest page in the statute book of England is that which says no man shall be destitute. I wish to see a parallel page in the statute book which shall say no man shall be ignorant.

The areas, within which the measure may be made operative are, in corporate towns, the limits of municipal jurisdiction, and, in the country, the limits of the poor law unions. I propose that it shall be optional to the rate-payers of each district whether they will or will not adopt the provisions of the Act, and the Public Libraries Bill of the hon. Member for Dumfries has afforded me a precedent by which facilities may be given for collecting votes. In the event of a decision to adopt the provisions of the Act, I propose that an education board for the union or town shall be chosen by the rate-payers at large.

I thereby propose, the House will observe, and I do so without the least apprehension or alarm, to place the general conduct of the education of the country in the hands of bodies popularly elected. In the United States that plan has been found to work perfectly well, and, having watched the operation of the Poor Law in this country, my experience has given me confidence in the general ability, discretion, and good feeling of boards thus popularly elected.

I think that as it has been done with regard to the Poor Laws, so, in this matter of education, it is most desirable that those who probably from their position in society exercise the greatest influence in their respective neighbourhoods should be members of such a board. I therefore have followed the precedent of the Poor Law, and I propose that to qualify a member to sit on the board he should be a person rated at 30*l.* per annum. I also propose that all the magistrates of the district shall be *ex officio* members of the board. I then propose that the board shall have power to provide schools where necessary, to superintend the general education of the district, and to levy a rate for defraying the expense of maintaining the education of the people in that district. I propose that there shall be an education rate levied by these boards, and that the expenditure of that rate shall be intrusted to the boards, under the provisions of the Act, and I likewise propose that the boards shall act under the general superintending authority of the Central Education Department, as boards of guardians act under the Poor Law Commission.

This brings me to that question which I hope will meet with the most serious consideration of the House, as it has engaged mine for a long time; it is this, whether we can carry on the education of the country, or rather, I should say, whether we can improve or extend it in the manner in which it ought to be done, upon the voluntary system.

I have thought much of this subject, and I think that the more we know of it the more general has become the conviction that by the voluntary principle alone we cannot educate the people of this country as they ought to be educated; you can no more do it, than you can carry on a great war or defray all the annual expenses of the Government by a voluntary contribution instead of taxation. I might here give you abundant authorities in support of that view of the subject from persons well qualified to speak on the matter. But is it not the fact that one and all of us are almost daily receiving begging letters alleging the want of schools for the poor in localities of the writers? As a specimen, I have brought down the last letter of this description which I have myself received. It is from the incumbent of Eldon district, Sheffield, and runs thus—

> "Sir, I beg leave to inform you that having been appointed to the newly-formed district of Eldon, Sheffield, containing a population of 5,500 souls, I built a church, which was consecrated in June, 1849, but it is still without a tower, and I have no schools built for the accommodation of the young. Chartism and infidelity avow in all directions their dangerous principles. The young grow up in ignorance and vice. The temptations of a large manufacturing town are felt in numberless ways. Under these circumstances, I am anxious to complete the work I have begun, and to raise a school for the reception of daily and Sunday scholars; but local resources are few and scanty."

All I can say is, that the local resources ought not to be few and scanty. I do not know anything of this Eldon district, but I know this, that if this district requires a church it must require a school—there must be the young to educate and to train; and I say that Eldon district ought to do it without resorting to these begging letters. I impute no blame to the individual clergymen who make these appeals, quite the reverse; they are right, the fault is not theirs; but it is discreditable to the nation to have these begging letters going about the country. I hold in my hand an extract from the Report of the Rev. Mr. Kennedy, in which he sums up his views on this great subject in these words—

"There are ten propositions on the subject which my observation leads me to affirm:—1. Elementary schools in general are not, at this time, being adequately maintained. 2. There is not a fair prospect, on the present system, that they will have a sufficient annual income. 3. On the contrary, there is, in a majority of places, a decline of income. 4. The endeavours to obtain yearly contributions to schools are harassing and vexatious, and the means sometimes resorted to for raising funds, such as high fees, and scales of fees, are injurious to the schools. 5. There is a painful and injurious uncertainty about the efficient maintenance of schools, also pernicious fluctuations of income, arising from such causes as the death of a benevolent landed proprietor, or of a liberal millowner, or the loss of a good master, undoing in a moment the work of years, and causing flourishing schools to fall into decay. 6. Many districts are absolutely unable from poverty to maintain good schools without extraneous annual aid. 7. In districts where there is no absolute deficiency of money, or even where there is wealth, the schools are often suffered to languish, from parsimony, or from indifference, and from hostility to education. 8. It is desirable to abate the jealousies and ill feeling often at present engendered among different religious denominations by contests for subscriptions to schools, &c., and to enable every deserving school to have an independent income. 9. It is often very desirable, but not feasible through want of means, to admit some of the scholars free to schools; and, in some cases, wholly free schools are requisite. 10. The above-named evils cannot be remedied, nor the wants supplied, by any other means than by a rate for education."

We cannot go on as we are. The voluntary system has broken down. It is harassing and vexatious, as Mr. Kennedy says, and the only legitimate mode in which you can provide education for the people is by calling upon the people to contribute a rate for it. Therefore, that is one power which I propose to devolve on these boards so to be elected. They shall have power to levy a rate for the purpose of carrying on the education of the people; but I ought to add that I think these rates ought to be assisted by public grants from the Consolidated Fund. I do not think the whole burden of education ought to be thrown upon the local rate. I propose, therefore, that where the locality is called upon to provide a certain amount by rate, the public fund of the country shall contribute a fixed proportionate amount. I think this proposition is not only fair in itself, but is perfectly consistent with the course hitherto sanctioned and adopted by Parliament.

I now come to another point to which I beg the particular attention of the House. I fear that upon this point, perhaps more than any other, the proposal I intend to make may lead to differences of opinion. But I have made up my mind, after the most anxious attention I have been able to give to the subject, that the education of the people ought to be free. I propose that in all the new schools which shall be established under these boards the scholars shall be free; and I propose that, in the case of scholars who may be sent by the board to existing schools no charge shall be made for the education of those scholars. I am aware that this is a point upon which great difference of opinion may prevail; but the more I have considered it the less weight do I attach to the objections raised against it. One argument, and, I think, the weakest though the commonest of all, is, that the poor do not value education unless they pay for it. I hold this to be not only a weak argument in itself, but that it is absolutely inconsistent with human nature. I should like to know what man there is in any class of society who when told he may get a good thing for nothing would refuse to accept it. I never heard of such a person; nor do I believe there exists any such feeling in the minds of the people in regard to free education. If I offer to a labourer a cottage rent free, does that man feel offended, and say he will not take it? If, indeed, I offered an industrious man a ruined cottage, he might fairly say, "I am very much obliged to you, but your cottage is good for nothing, and I would rather pay rent for a good one." And this is the nature of the present feeling as to free education. The feeling arises from two facts—one is, that the only known free education in this country is connected with endowed schools, the greater part of which are very inferior in their quality; and the other is, that, as education is now conducted, the people connect the idea of free education with pauperism, and, therefore, from these two causes they are disinclined to free education. But we must recollect that the education of the poor is not a question relating only to the welfare of individuals themselves, but affects the interest of all classes. It is the interest of the State that the people shall be well educated, and every precedent of free education is strongly in its favour.

Let me call the attention of the House to the example of the United States, and show it what actually occurred on this very question of free education at Philadelphia. In 1835 the state of education there was very similar to that we have now in England. The inferior schools were free schools, but the great majority of the respectable citizens sent their children to private schools, and the result was that in the free schools there were only 9,346 scholars. A change then took place, these schools were placed on a different footing, and instead of remaining inferior became superior schools; the elementary education given was good, the masters were not masters who could not just write their names, but were fit for their occupation, and the effect of the reform was, that in Philadelphia private schools were almost superseded, and, instead of there being only 9,346 scholars at the free schools, there were, in 1845, only ten years after the change, 36,665, and in 1852, 49,630. The most complete success attended the experiment, and the great bulk of the children of all classes met, as they ought to do, and received their education in common at the free school. The increase in the number of children in the public schools, after they were deprived of their pauper character, was astonishing, and offered a complete answer to the objections which had been frequently urged against free schools, proving distinctly that neither apathy on the one hand, nor a feeling of inferiority upon the other, will prevent the bulk of the people from availing themselves of the common school system. What happened in New York? In that city this question of free schools, or no free schools, became a subject of discussion and division, and so strongly was the public feeling excited on the occasion, that it was actually put to the vote, and the population of the State of New York, by an overwhelming majority, decided that there should be no payment; and I believe I am right when I state, that at the present time 700,000 scholars are deriving benefits from the free schools of New York, amounting to a proportion of one in five of the population.

Then, again, what has occurred in other countries? There can be no better educated country than Austria, but the education there is free; in Holland, also, the education is entirely free, and my belief is, that if you will make it free in this country you will avoid great difficulties, promote the interests of the kingdom, and the whole system will be sounder and better than if you persist in exacting the school pence. There are countries, it is true, in which the free-school system does not altogether exist, but in all those countries a certain proportion of the schools are free, and I appeal to the House whether in this country there would not arise very great practical difficulty in endeavouring to draw the line between those who should and those who should not pay? The persons who had to decide would give great dissatisfaction, a feeling of pride on one hand, and pauperism on the other, would inevitably be created, and the only safe plan is to make education entirely free. But the House will feel that, whatever may be the importance of this point, or the difficulties with which it may be connected, it does not essentially affect the scheme I have to propose. The House may strike it out, or adopt it, without destroying the measure, but I thought it right to explain to the House my views upon it.

Another and very important point in this Bill is, that in no instance whatever will it interfere with existing schools or existing interests. We must not, in our wish for improvement or extension, lose sight of the progress education has already made in this country. In many instances that progress has arisen from the agency of private benevolence, and it would be neither wise nor generous to attempt to check it. On that point I have to state distinctly that my proposal will interfere with no existing schools, it will be entirely optional whether they come into the unions or not, and even if they do I will respect existing schools upon two conditions, which I believe to be indispensable—the one is, that the school shall submit to a periodical and satisfactory inspection; and the other, that it shall be subject to the provisions of the Act with regard to religious teaching.

I have now touched upon all the provisions which I propose in this Bill, except, perhaps, the most important of all. On that subject I assure the House I feel great delicacy, and I hope it will grant me its indulgence while I frankly and explicitly state the view I take. I must venture to ask the House calmly to consider whether the dreadful state of things to which I have adverted, and which I believe to be true, does not demand improvement; and I ask them, too, to approach this religious difficulty—for it is to that, of course, I allude—in a spirit of forbearance and moderation. There can be no doubt this country is divided into two distinct parties on that question, one of which insists upon the imperative necessity of religious instruction, and the other on what is called the secular system. I avow that I am attached to the first of these two divisions.

Now, Sir, let me say I do not clearly understand what the secular system really is; whether those who advocate it contend that religious teaching should be altogether abandoned in the national schools, or whether the Holy Scriptures alone should be admitted, and all teaching upon doctrinal points excluded. However that may be, I must implore the advocates of the secular system to reflect on certain facts, which facts we must deal with, and which neither I nor any man can deny or get rid of. First of all, we have the existing fact that there is an Established Church in this country, and, further, that an immense majority of the people of this country are attached to it. [*Slight murmurs.*] I hear murmurs from hon. Gentlemen opposite, and I perfectly understand their meaning; but I beg the House to believe that in dealing with this part of the subject I am actuated by the most single-minded object. I know it is a question whether the aggregate numbers of the Church exceeds the aggregate of Dissenters, and I know that that question turns upon the mode in which you dispose of a certain number of millions of the population whom the Census does not class either as Churchmen or Dissenters. There remains, however, this fact, which cannot be denied—that the Church is in an overwhelming majority as compared with any other single denomination. This must, therefore, be considered as an element of the question, and I may remind hon. Gentlemen of the actual proportion of schools at the present time. I find from the Census returns that the total number of day schools supported by religious bodies is 12,708. Of this number the Church schools are no less than 10,555, while the number of Independent schools is 453, of Roman Catholic schools 339, of Wesleyan schools 381, and the rest of the schools are supported by various other denominations of Dissenters. Out of some 12,700 day schools established in this country, therefore, no less than 10,500 are in connection with the Church of England. I make no boast of this; I merely state it as a matter of fact. In dealing with this subject we must consider, not only the position of the Established Church, but the feeling of the country. Now, without raising the question as to whether the secular system of education is good or bad, but assuming for the moment that it is the best that could be adopted, my belief is that if you attempted to force that system upon the public of this country they would reject it by a large majority. If, then, we wish to remedy the fearful evils which exist, let us, as men of sense, consider not only what is desirable, but what is practicable. Your first duty, as men of business, legislating for a great empire, is to consider the feelings of the people. If the feeling of the people of England is, as I believe it to be, against the secular system, and in favour of the teaching of religion in the schools, I would say to those who think the secular system the best, "If that system be even as good as you think it is, have you the power of forcing it upon the people against their will?" For my own part I believe that you have not. We then arrive at this point—how can we reconcile this religious teaching, with which I believe the country at large will not dispense, with the most scrupulous regard for the conscientious opinions of individuals? This object I desire to effect by the Bill I have prepared, and if, when hon. Members see that measure, they should think the intention is not carried out, I can only say that I shall be most willing to consider any suggestions which they may offer. I wish to provide for religious teaching, but at the same time to pay the most scrupulous regard to the feelings and opinions of individuals.

I propose that schools in connection with every religious denomination recognised by the Committee of Council—be they Church, or Baptist, or Presbyterian, or Wesleyan—wherever they exist, shall be equally entitled to claim the benefit of the rate, but subject to this most important and indispensable condition—that no child shall be excluded from any school on account of his religious creed. I propose that no Church school shall receive the benefit of the rate unless its conductors consent to receive dissenting children, without forcing upon them the religious instruction of the Church. I propose, also, that children belonging to the Church shall be received into dissenting schools, and that every school shall receive the children resident in its neighbourhood without imposing upon them the religious creed of the founders of such school. Well, this broad rule will dispose of all existing schools; but, then, I come to the important question of supplying the educational deficiences which are admitted to exist by the erection of new schools. I have been told that my Bill would be more favourably considered if I did not provide for the establishment of new schools; but I rejected that proposal, and if the House chooses to omit this portion of the measure, the responsibility will rest with them.

In discharging the duty which I have undertaken, I will not take the responsibility of submitting to Parliament a measure avowedly incomplete; and I hold that, in the present state of education, any measure would be incomplete that did not provide for the establishment of new schools. The question then arises, what is to be the nature of the religious teaching in these new schools? My proposal is, that the religious teaching of the new schools shall be in accordance with the religion of the majority of the persons in the districts in and for which they are established. Is this fair, or is it not? If the majority of any district in which a school is erected should be in connection with the Established Church, the teaching in that school will be in accordance with the religious doctrines of the Church, subject to the rule that dissenting children shall be admitted, without being compelled to receive instruction in Church doctrines. If, however, the majority of a district in which a new school is established should belong to any other religious creed, I would respect the feelings of that majority, and I propose that the religious teaching should be in accordance with the creed of the majority, subject to the rule I have already mentioned, that all scholars belonging to the Established Church, or to any other denomination in the district, should be received into the school. But to avoid local disputes and struggles, I shall propose that in all such cases the religious teaching of the school shall be decided by the Committee of Council for Education. Now, what alternative is there if this scheme is not adopted? I wish more particularly to address myself to those Gentlemen who are anxious to adopt the American system in this country. A very large meeting for the promotion of education was held at Manchester at the commencement of last year, and on that occasion I find that the hon. Member for Manchester (Mr. Bright) strongly advocated the secular system, and used these expressions—

> "He could not see any connection necessarily between religion and arithmetic, for example, or between the doctrines of Christianity and any of those other matters which formed the ordinary branches of education. He admitted, of course, that if a man was thoroughly educated—and, speaking in a Christian country, he might add, if he was a complete Christian man—he must not only have that instruction which was to be obtained in the ordinary routine of schools, but he must also have, from some source or other, a training and instruction in matters of higher moment; but then, there was no sort of connection between the teaching of religion and the teaching of those things as regarded the place where they or the teacher by whom they were taught."

I cannot attach too much importance to this statement of the hon. Member for Manchester. If there are hon. Gentlemen in this House who contend that religion has nothing to do with education, and that we should teach no religion to children, I can only say that with them I have nothing in common; to them I make no appeal. But I here find a distinct recognition by the hon. Member for Manchester of the extreme importance of teaching religion to children as part of their education. The question, then, as between us, becomes narrow and simple. It is merely by whom and where shall this religious education be given? The hon. Member for Manchester, in a subsequent part of his speech, threw some light upon his views on this subject. He said—

> "The question was, why was it that a system which was established in America, which everybody applauded, which all persons submitted to with probably greater satisfaction than they subscribed any other State impost whatever, could not be transplanted into one of our towns?"

We have, then, the opinion of the hon. Member for Manchester—first, that religion must be taught; and, secondly, that it should be taught by the adoption of the American system. And I will ask the hon. Gentleman to meet me in a spirit of candour, and tell me, can the American system be adopted in this country? The House will, in the first place, remember that in America there is no Established Church; and, secondly, that the different religious sects are distributed with much greater equality of numbers than in this country. No one sect greatly predominates in the United States. But, above all, let me remind the House of the mode and manner in which the teaching of religion to children is secured. We have valuable information on this subject from an able and distinguished gentleman, known to many Members of this House. Mr. Twiselton visited the United States, and gave great attention to the religious teaching in the common schools. He addressed certain questions to some of the most distinguished men in New England. Mr. Twiselton's work is entitled *Evidence as to the Religious Working of the Common Schools in the State of Massachusetts.* He addressed certain questions to Mr.

Webster, Mr. Everett, Mr. Bancroft, Mr. Winthrop, and other distinguished persons, inquiring what the system of teaching religion was in the State of Massachusetts, and how it worked. Firstly, whether it was found that the masters departed from the understanding, and forced their views upon the scholars; and, above all, whether the system answered. These gentlemen were asked, "Is it within your knowledge that, apart from the common schools, the children educated in them do practically receive instruction in the tenets of the religious denominations to which they respectively belong?" The answers to this question were all in the affirmative. There is no distinctive religious teaching in the common schools, but all the children receive elsewhere distinctive religious teaching according to the tenets of the faith to which they respectively belong. The question, then, is, how did they get it? And the answer is, "in two modes." It is chiefly taught them at home, or is taught them at the Sunday schools. Now, I will appeal to those Gentlemen who advocate the adoption of the American system in England, and let me ask, will they trust to the teaching of religion to the children of England at their homes? What is the home of thousands of those to whom I have alluded in Devonshire and Lancashire, and other counties? Many of the children in these homes have never heard the name of the Saviour, and they scarcely know the existence of God. This is England, but not America. You cannot compare the State of a young country like America, where the population is scant, where work is abundant, where poverty is almost unknown, with England, where we have a dense population, a pauper population, where education has been long neglected, and where the results are such as I have described to-night. If you acknowledge—and the hon. Member for Manchester does acknowledge—that religion must be taught, then you may derive additional confirmation in your views by reflecting that in all the countries of Europe the first item in the educational code is religious instruction. Will you contend that where a population so debased, so ignorant, and so irreligious, as exists around us, is growing up and increasing each year, the wretched parents can teach their children as much religion as they ought to have? No! if these children are not taught religion in your schools, depend upon it they will not be taught at all.

Well, Sir, but I may fortify my views by examples which I hope the House will not disregard. I will give examples of different countries, of Protestant and Roman Catholic countries. The first is Austria. There, according to Mr. Kay—

> "The Roman Catholic, as the national religion, is that taught in the schools of Austria; but dissenters from this form of faith are neither excluded nor separated, nor are they required to engage in the religious services or peculiar ecclesiastical learning in these schools. In the Roman Catholic schools, the Jews, as well as the Protestants, and other Dissenters, arrive one hour after, and leave one hour before the other pupils, these two hours being occupied with religious services and instruction, such as was attempted in this country some years ago. There are other non-Catholic schools, particularly in Transylvania and the military frontier, Gallicia, Moravia, and Silesia, Bohemia, and Cathia, amounting to 2,037 primary schools, the religious instruction of which is in accordance with the creed of these countries, the oversight of which is committed to the clergy of each particular denomination."

Here, in Austria, a Roman Catholic country, is adopted exactly the system which I have ventured to recommend for England—namely, the teaching of the religion of the majority, with perfect toleration for the opinions of the minority. I will now read an account of the schools of Switzerland—

> "In the majority of these schools the members of the different religious sects are received with a willingness and with a Christian charity which puts to shame our religious intolerance. . . . Those who differ in faith from the master of the school are allowed to absent themselves from the doctrinal lessons given in the school, and are required to attend one of their own clergy for the purpose of receiving from him their doctrinal instruction. Even in Friburg, a canton governed by Catholic priests, who are themselves under the influence of the Jesuits, Protestants may be found mingled with the Catholics in the schools, and are allowed to absent themselves during the hours of religious lessons; and in Argovie, a canton which has lately so distinguished itself by its opposition to the Jesuits of Lucerne, I found that several of the professors in the normal school were Catholics, and that the utmost tolerance was manifested to all the Catholics attending the cantonal schools."

Here you have Roman Catholic countries and Protestant countries, and in Switzerland, Protestant cantons and Catholic cantons, all adopting this rule of teaching the religion of the locality, but receiving other denominations with all respect for their religious feelings. In France the same system prevails.

> "It was long debated in France how the difficulties arising from religious differences should be overcome,—whether they should attempt to

> establish separate schools for all the different sects of Christianity; whether they should open the schools to all these various sects and banish from them all religious instruction; or whether they should open the schools to the different Christian persuasions, and commit the management of each to a master chosen from the most numerous sect in the department or commune of which it was the normal or elementary school. . . . They (therefore) adopted the third alternative, and resolved to place each of the normal schools of the different departments, and each of the primary schools of the different communes, under the management of a teacher selected from the most numerous Christian sect in the department or commune in which the school is situated. They further arranged that the parents who differed in religion from the master or director of the school should have the power of requiring their children to absent themselves during the period of religious instruction. . . . So far from religious education being overlooked in France, it is constantly referred to in the different decrees on the subject of education as of the most deep and momentous importance; and the religious education and moral character of the candidate masters are strictly examined into before they can receive their *brevets de capacité*, enabling them to conduct primary schools."

I have on several other occasions drawn the attention of the House to the signal success of the laudable exertions of the present Bishop of Manchester when at the head of that splendid school—King Edward's school at Birmingham—one of the best and largest educational establishments in this kingdom. The teaching of that school is that of the Church of England, but no Dissenting child has the doctrine of the Church forced upon him. The consequence is, that there are no denominations of Christians who do not freely and willingly come to participate in the benefits of King Edward's School at Birmingham, and religious difficulty and dissensions are unknown. At this moment the same system is going on at this school, and is contributing to the welfare of the great town of Birmingham. Well, Sir, let me ask, why is it that the system that gets over this great difficulty in France, in Austria, and in Switzerland, and which has been tried with success in some instances at home, is not good for general adoption? I shall be glad to hear an answer to this question. This principle seems to me to solve the difficulty, and if you approach it in the right spirit I see no reason why the difficulty should not be overcome. In a very large number of Church schools connected with the National Society the Catechism is not now insisted upon in the case of dissenting children. Such is the practice in many parts of England, and I hope that we may see it generally adopted

throughout the country; for I am convinced that the only result of endeavouring to force any particular creed upon reluctant children will be, not to make them adopt that creed, but to drive them from the schools.

I will not longer detain the House. I have now explained the mode in which I propose to draw my Bill if the House will permit me to introduce it, and I have explained the manner in which, in my opinion, the difficulties which have hitherto beset this great and important question may be overcome. That Bill may, and probably will be, unsuccessful; but I feel a deep conviction that year by year the momentous nature of this question will become more apparent, and that ere long it must be settled upon principles similar to those which I have ventured to explain. Sir, I am willing to incur the risk of failure in a cause which I believe to be so important. I am willing to incur even more than the risk of failure. I am confident that by my own friends I shall be told that I have gone too far. Churchmen will say that I have conceded too much, and Dissenters that I have conceded not enough. I have endeavoured, however, with a single-minded object to deal with the question in a spirit of perfect justice and fairness to all, and in that spirit exclusively I venture to ask leave to introduce this Bill. Be its fate what it may, be the consequences to myself what they may, I can only say that it will always remain to me a matter of satisfaction that I have endeavoured to make same contribution to a cause upon which I most conscientiously believe that the character and future welfare of this country essentially depend.

Motion made and Question proposed, "That leave be given to bring in a Bill for the better encouragement and promotion of Education in England."

Mr. HADFIELD said, he could not give in his adhesion to the principle laid down by the right hon. Gentleman. He would like to see some portion of the national taxation applied to the improvement and extension of education, but not in the way proposed. He attached very little importance to the statistics quoted by the right hon. Baronet, so far as they related to the system of education. The past thirty or forty years had shown the great efficacy of voluntary efforts. The right hon. Gentleman had claimed a preponderance of the Established Church in the matter of education, but how had he come to ignore Sunday schools, in which no less than 4,500,000 children were taught? Taking day schools along with them, there were upwards of 4,000,000 children receiving education. And the great fact ought to be proclaimed everywhere, that there were 260,000 voluntary teachers engaged in Sunday schools, without any remuneration whatever. Of the 4,500,000 children taught in Sunday schools, he believed not more than one-fourth belonged to the Church of England. There was the greatest anxiety on the part of parents to get their children into those schools; and he did not believe that if day schools were supported by rates, there would be any great increase of the children under instruction. When the Manchester Bill was introduced, it had been shown that there was no lack of schools; the difficulty was to get children to attend them. There was a common object among all parties in that House to promote education; but he doubted whether it could be done merely by levying taxes in its support. Such a system was calculated to weaken the efforts of voluntaries in all parts of the country. He should peruse the Bill of the right hon. Baronet with great attention, but he would protest in the outset against the principle of a compulsory tax for educational purposes. He thought that voluntary efforts, properly regulated, were sufficient to provide for the educational wants of the country.

LORD STANLEY: Sir, it would be equally difficult and superfluous in me to follow my right hon. Friend (Sir J. Pakington) through the vast variety of important details which he has discussed at such length. I do not intend to attempt it; but I wish to take this earliest opportunity of expressing, in the strongest and most decided manner, my approval of and adhesion to the general principle upon which my right hon. Friend attempts to settle this question. I think the present is a time eminently favourable to such a settlement. The state of public feeling upon the subject is in many respects different to what it was a few years ago. There is, Sir, a growing inclination and desire upon all sides to effect some compromise—to consent to some sacrifices of opinion—with a view of passing a measure of which the want is yearly more and more felt, and which shall be practically effective. Everything points to such a result. Theories, which a few years ago had great currency, have, after frequent discussion both in and out of the House, been condemned by public opinion. For instance, there is the voluntary system, which a few years ago was much more popular than it is now. Now, I am not going to argue upon the principle of the voluntary system, but I am considering how far it can practically be adopted. We have had Education Bills emanating from every section of the House, and I think it is impossible to look at their results without seeing that the purely voluntary principle is now supported but by a very small minority. The hon. Member for Oldham (Mr. W. J. Fox), five years ago, introduced an Education Bill founded upon the secular system. The noble Lord the present Colonial Secretary (Lord John Russell) two years ago, and my right hon. Friend the Member for Droitwich in the course of this evening, have each submitted propositions founded on a different principle. All these three measures, differing in many respects, agree in this, that they recognise the principle of State interference. That principle, therefore, is practically recognised by a large majority, both in the House and out of doors. I think, then, I may assume that we have got rid of any practical proposition founded upon the purely voluntary principle. Well, then, in respect to a purely secular system —and I am not about to argue that question at the present moment—I know that a strong feeling exists in the minds of some persons in favour of that principle. For my own part I must say I have seen so much mischief done amongst the labouring population by the state of gross and utter ignorance in which they remained, that I hope I shall be pardoned in saying that I am disposed to support almost any feasible plan which would give them the elements of knowledge, and enable them to acquire useful information. I do not object to the secular system upon any ground of principle, but I think that in the present generation, and in the present temper of the country, it would be utterly impossible to carry out such a system. In the first place, you would have the clergy of every denomination against you. In England and Wales there are, in the ranks of the clergy, some 15,000 able, active, educated men, all exercising considerable influence in their respective localities, and possessing at this moment a great and deserved influence and control over the education of the people. Not only the clergy, but the feeling of a great mass of the laity, is against any system of education which does not include some mixture of religious teaching. There may be some persons so convinced of the superiority of a secular system that, for the sake of the advantages it might bring with it, they would be willing to wait even ten or fifteen years to see it established. Well, that is not the view I take of the question. I look to the present state of public feeling and public opinion; I see that some system must be adopted, and I believe the only system that will be successful is one which is, to a certain extent, denominational. Well, then, assuming these two principles, namely, the principle of State interference and of religious teaching, it remains for us to see what other requisites are necessary for an efficient educational measure. I think you will require to have in your system a full recognition of, and a satisfactory means of co-operation with, the various schools that are actually in existence. I do not think that any educational scheme will work successfully that undertakes the removal of the existing schools, and proposes to establish an educational system *de novo*. At the same time I am fully aware of the inefficiency of the existing means of education. I own that the existing schools are deficient both in number and quality; still we must admit that they do in a manner give instruction to a large portion of the population. To go no further than this fact, there are a great many persons who feel a deep interest in them, and who believe that they are doing a vast amount of good. Now, I am satisfied that any system which would propose to sweep those schools away would meet with such opposition that it could not pass through Parliament. Well, now, then, let us see what my right hon. Friend proposes to do for the schools that are actually in existence. In every way his measure will be permissive, and not compulsory. If all or any of the existing schools stand aloof from accepting his measure, they will remain precisely in the same position as they were in before the Bill passed. If they are willing to accept the aid held out by my right hon. Friend's measure, they will be permitted to do so on two conditions, which are of a simple and reasonable nature. The one is that of periodical inspection—a condition to which, I apprehend, there will be no objection. Indeed, such a provision follows almost as a necessary consequence from the principle of Government assistance. Nothing can be more just than that those who contribute funds towards the support of local schools should possess the means of ascertaining that their money has been satisfactorily distributed. That is a point which I think will not be disputed. Well, but the other condition of my right hon. Friend is perhaps of a more important and doubtful character—my right hon. Friend proposes to make religious teaching in all schools optional, and not compulsory. I believe that if you are to have denominational schools—and I assume that I have shown them to be absolutely necessary—it is only by such a provision as this that you can reconcile their existence as schools supported by the State, with common equity and justice to the various religious sects. A purely denominational system of education, made compulsory, would necessarily be productive of great unfairness to those sects that are small in number, whose members are scattered, and who would not have an opportunity of establishing a school of their own. If, then, you would do justice towards such religious communities, it is not enough to give the means for the establishment of a school, but you must also have some legislative provision to allow the schools belonging to the various sects to partake of the general advantages of your education, and this you can only do by dispensing with the attendance of the dissenting children during the time of religious instruction. Although I listened with great interest to my right hon. Friend's statement upon this point, I am not quite sure how far my right hon. Friend means to go in this direction; but I have no hesitation in saying that you will not be able to carry out this principle unless you lay it down broadly that the attendance upon all religious teaching is to be optional with the parents of the children. I do not think there can be any well-grounded objection against the principle of such an arrangement. I respect the feelings of a man who claims religious equality for himself, but I do not understand, and not understanding perhaps I do not respect, the feelings of those who will not allow any children to frequent their schools, unless those upon whom they can force their own religious teaching. I have little doubt but that my right hon. Friend's proposition upon this point will meet with opposition from various quarters. Of course, it will not satisfy those who desire to see a purely secular system established, nor yet those who adhere to one strictly denominational. But the principle, after all, is analogous to—I do not say identical with—that which for twenty years has worked successfully in Ireland, and of which the justice and fairness are now generally recognised. As to that part of my right hon. Friend's measure in which he proposes the establishment of new schools, I confess I think that it is open to serious objection. I am not insensible to the urgent necessity for the establishment of such schools which exists in many districts. I quite allow that the plan of making the religious teaching in each school depend on the tenets of the majority in that locality is the fairest and most acceptable that, under the circumstances, could be devised. Although, however, it is so fair and so equitable, that there may be no reasonable ground of complaint against it, still, I think, wherever you found new and free schools with the public money, and diffuse religious teaching upon the children there, there will be a good deal of angry feeling produced, and such a controversy will arise as will, in the majority of cases, render the success of your experiment doubtful. But that is not, after all, an integral part of my right hon. Friend's proposition; it is simply a provision which, if the House thinks objectionable, it can remove without in any way affecting the general principle of the measure. The Bill of my right hon. Friend will not compel any locality to pay for such schools; it will simply empower a majority of the inhabitants of a locality to establish them if such majority shall think fit. I regard that provision as particularly important (I mean the purely permissive character of the measure), because there are many persons who altogether object to any State interference in the matter of education, and contend that such an interference would practically amount to a system of centralisation. I can conceive that there are localities in which the system of free schools would be more desirable. I can also conceive that there are other parts of the country where the inhabitants are quite ready to pay the school fees, and therefore where free schools are not required. But what I dwell upon is, that this Bill, while giving assistance out of the funds of the State, in no way discourages, but on the contrary encourages and stimulates, the efforts of public bodies in various parts of the country, and also the efforts of private individuals. You recognise here the various principles which I believe to be necessary for a successful system of education. You recognise the principle of State assistance. You recognise the principle of religious teaching. You recognise the principle of including existing schools in your system. And, above all, you recognise the principle of local government and self-management. These, I hold, are principles upon which any measure of this kind, to be successful, must be founded. The rest of the Bill, important as it is, is comparatively matter of detail, which we shall have ample opportunity of discussing by and by. We are dealing now with the principle only; that principle I believe to be sound, and I know no other on which it will be practically possible to carry out a measure of education. I am much encouraged by observing that there is comparatively little difference in point of principle between the Bill of my right hon. Friend and that proposed by a noble Lord on the other side of the House (Lord J. Russell). And if the noble Lord who lately presided over the department of education should be able in the present Session to bring in his measure, I think that that measure and the measure of my right hon. Friend might well be referred to the same Committee with a view to their amalgamation. There are certainly no such differences of opinion as should prevent that course being adopted; and I hope that, as a result, we shall ultimately be able, not only to settle finally this question of education, but to settle it in a manner that will meet with the concurrence of a large majority both in this House and in the country.

Sir GEORGE GREY: I presume, Sir, the House will not at present be called upon to express a decided opinion on the measure which has been laid before them in detail by the right hon. Gentleman the Member for Droitwich. I am desirous, on the part of the Government, to state that they give their willing assent to the introduction of this measure; and I am sure the House will agree with me in thinking that the right hon. Gentleman who has brought it forward is entitled to great credit for the spirit in which he has approached the subject, and for the comprehensiveness and liberality of his scheme. I only wish I could feel sanguine as to the proposed measure proving an effectual remedy for that defect in the education of the large body of the people which we all admit at present to exist. The right hon. Gentleman himself did not speak in a sanguine tone of its success, but I am certain that the discussion which the introduction of the measure will give rise to will be most useful and productive of great advantage. With regard to the basis on which the right hon. Gentleman has proceeded, I to a great extent agree with him, without pledging myself to all the statistics to which he has referred as showing the want of education among a large portion of the lower classes. Without drawing exactly the same inferences from those statistics, I still think that we must admit that there is a great portion of the children of the lower classes throughout this country who receive a very imperfect education, while there is a still larger portion who, there is every reason to believe, receive no education at all, but who are brought up in ignorance, the parent of crime, if, indeed, they are not actually trained by their parents to crime, in order to enable them to profit from the immediate fruits of the nefarious gains of their children. This is a state of things it must be admitted by all to be most discreditable to a Christian country. I must advert to one point which escaped the attention of the right hon. Gentleman, and which I believe to be most important. In comparing the statistics of education in this country with those of continental countries, he did not appear to bear in mind that in this country we have never adopted—and I doubt whether we are prepared to adopt—a compulsory system. I do not mean compulsory as regards the rate, but as regards the attendance of the children, and the penalties inflicted on parents for not enforcing such attendance. I believe this compulsory system prevails in America and in several continental countries. I do not see how we are to adopt it, but I am afraid that until we do we shall see that, notwithstanding increased provision for education, there will still be an indifference to education among a large portion of the community; and we must be prepared to see a large proportion of children remain uneducated. The right hon. Gentleman, however, has ample grounds for bringing this subject before the House, and he has given great consideration to the means of remedying the deficiency in the existing means for the education of the people. I quite agree with him that the voluntary system has failed to accomplish that object. It has done a great deal, and I by no means wish to undervalue the laudable exertions of those by whose voluntary efforts schools have been established and supported; but I am convinced that the voluntary system has not kept pace with the wants of our increasing population, and that it has utterly failed adequately to supply the defect in the education of the people which has been proved to exist. I was a Member of the Committee to which the Manchester and Salford Bill was referred. We there received much information on this subject. There were before that Committee three parties—the advocates of the voluntary system, those who approved the Manchester and Salford scheme, and those who advocated the secular system of education. The two latter agreed in the necessity of additional means of education, and in the principle of making a rate for this purpose; but the point on which they diverged was as to the mode of applying the money. With regard to the principle of rating I agreed with the majority of that Committee, that it was, under certain circumstances, in certain districts, desirable to supply increased means of education by a rate; but I am afraid the right hon. Gentleman will find, as we did, that the great and serious difficulty that will arise will be as to the mode of applying the money levied under its provisions. I think that the constitution of the Board of Education proposed by the right hon. Gentleman is sound and good. I do not say that it is not capable of improvement, but I think its principle is a fair one. The new scheme of the right hon. Gentleman, so far as it relates to corporate towns, is substantially the same as the Manchester and Salford scheme, which he proposes to extend to the country at large. I have no doubt that the district boards will have very different duties to perform from those performed by boards in large and populous places like Manchester, and I am afraid—although I do not see how he could make the presence of children compulsory—that the fact of the Bill being permissive will, in many country districts, render it nugatory, and that we are consequently debarred from looking for any large results from the measure. I agree with the right hon. Gentleman that it is impossible to anticipate success for a general system of education that does not include existing schools—for you cannot, by a new scheme, supersede those schools which have been extended throughout the land, and are daily increasing. You must, as the right hon. Gentleman has done, give them the option of coming under the provisions of this Bill, subject to certain conditions which they will be required to adopt. With respect to the new schools, I confess I feel that a difficulty will arise. If I understand the right hon. Gentleman rightly, he intends that in districts requiring new schools the district board should be authorised to provide them out of the rates, and that in these schools the religious instruction is to be in accordance with the religious opinions of the majority of the inhabitants of the district. But take, for instance, a large district, in which the majority are members of the Church of England—would he, in such a case, make no provision for those who belong to other religious denominations? Now, I would suggest to the right hon. Gentleman that, as those who differ from the Church of England will be rated for educational purposes, some provision ought to be made to educate their children according to their religious tenets. The right hon. Baronet has said nothing as to the amount of the rate which it shall be in the power of the board to raise, and, although that may be a matter of detail, still it would be as well that the House should be made acquainted with its limit. [Sir J. PAKINGTON was understood to say that 6*d.* would be the limit.] With regard to the question of religious or secular instruction, I feel, from having attended closely to the evidence taken before the Committee on the Manchester and Salford Bill, that the difference between the advocates of the two systems is less than I had imagined. The secular system of education, as explained by its advocates, is not a system separate from the religious system; but the advocates of the secular system contend that the secular branches of education should be paid for by rates, and that religious instruction should be afforded through the agency of funds raised from private sources. I hope, the difference being so trifling, that there will be an approach to union between the two parties, and I do not despair of seeing them agree to work together on some common ground in promoting the important objects they have in view. It has been suggested that the Bill of the right hon. Gentleman and the Bill of my noble Friend the Member for London should be referred to a Select Committee. Now, to that I have no objection, except that I think we should only be travelling over the same ground that we have so often gone over before. If any hon. Gentleman will take the trouble to refer to the evidence taken before the Manchester and Salford Committee, he will find that the subject as regards large towns has been most fully and fairly discussed, and I think he will see that we possess as much information as is necessary. With regard to country districts the case may be different, and further inquiry may be necessary; but, as to the general question of statistics and the other points on which information is required, I believe that the evidence taken before the Committee to which I have referred is amply sufficient, without referring this Bill to a Select Committee. I presume the right hon. Gentleman will not press the second reading of the Bill before Easter. [Sir J. PAKINGTON: Hear, hear!] It is a measure that ought to be before the country for full consideration before any decision is adopted with regard to it, and I hope, when the time arrives for taking it into consideration, that we shall approach it with the earnest desire of promoting the great object which all must have in view, and of overcoming the difficulties which impede the progress of education throughout the country. I can assure the right hon. Baronet that, although I do not approach this Bill in any spirit of criticism, I think he has made an omission, or rather, I ought to say, he has not fulfilled an anticipation to which the early portion of his speech gave rise. I had anticipated, from that part of his speech, and from the strictures which he passed upon the Committee of Council on Education, that he was about to propose the establishment of a Minister of Public Instruction. Now, I am not prepared to say that the Committee of Council on Education is, under present circumstances, the best scheme which can be devised for its object; but I say that, under all the failures which have taken place in Education Bills, and under all the difficulties which have existed, that Committee has done an immense deal towards promoting education throughout the country, and raising the standard of education by improving the qualifications of the schoolmasters. The right hon. Baronet has pointed it out as one of the defects of the system, that it has made the standard of education of the schoolmasters too high. Now, that may be the case as regards some small schools, but I think that the great defect which first attracted the attention of this House was the low standard of education among the schoolmasters, and, in my opinion, great benefit has resulted from raising the standard. What the right hon. Gentleman has said is perfectly true, that you educate men as schoolmasters, and then, when they are qualified for that position, the pay is so small that they are tempted to trust to their talents for advancement in some other career, and to forsake that profession for which they were originally designed. That is no doubt true, in many cases; but the way to remedy such a state of things is not by lowering the standard of qualification in the schoolmasters, but by raising their pay, and making it to their interest to remain in a profession which, however humble and laborious, is not the less honourable. I do not think the right hon. Gentleman has done the Committee of Council on Education justice in the reference he made to grants to certain parishes in the metropolis. I thought at the time that exceptions had been made in favour of poor districts to that general rule, by which grants of money are given in proportion to the funds raised in the locality; and, on referring to the list of grants, I found that very large grants have been made to some of the poorest and most populous parishes. I asked the right hon. Gentleman if, in the case of Shoreditch and St. Giles, any application for a grant had been made and refused, and he could not give me any information on that subject. There may be other reasons beyond inability to raise funds which may prevent applications being made. Objections have, in some cases, been entertained on the score of the inspection which was inseparable from Government grants. I wish to point out to the House a few of the grants which have been made, to the poorest districts, extracted from a complete list of them in the last volume of minutes. There has been made to Spitalfields a grant of 770*l.*; to St. George's in the East a grant of 2,800*l.*; to St. Mary's, Tothill Fields, a grant of 1,350*l.*; to Whitechapel a grant of 1,060*l.*; and to the different parishes of Bethnal Green a sum of no less than 9,062*l.* If the general rule on which grants are made had been unreasonably adhered to, without exception, I must admit that there would be great force in the objections of the right hon. Baronet, but the instances I have mentioned will, I think, show the House that such has not been the case. With these few observations I with pleasure assent to the introduction of the Bill, and I sincerely hope that the discussion to which it must give rise will be attended with beneficial results in promoting that which all must concur in desiring—the extension of the education of the people of this country.

LORD ROBERT CECIL said, he fully concurred in thinking, with the right hon. Gentleman the Home Secretary, that the measure of the right hon. Baronet the Member for Droitwich (Sir J. Pakington) did not differ essentially from the secular system of hon. Gentlemen opposite. The statistics of the right hon. Baronet were, he thought, overcharged, and the right hon. Gentleman had, he considered, drawn undue inferences from them. The right hon. Gentleman drew a fearful picture of the state of crime and the want of education in this country, but the most horrible features in his picture were drawn from the criminality of persons who were now adults, and whose education, such as it was, took place some ten or twelve years ago. Whatever force might be derived from that was consequently worthless for the purposes of the present question; for the very essence of the case of those who were satisfied with the voluntary system, or the system of the Committee of Council on Education, was, that education had made great and rapid progress within the last twenty years. A large portion, also, of the instances adduced by the right hon. Gentleman to darken the picture of social evil were taken from large towns, isolated plague-spots in the country—Gateshead, Preston, Tynemouth, Sheffield, Manchester, and Liverpool—in all of which the want of education was greatly above the average want throughout England and Wales. The right hon. Gentleman also laid considerable stress upon the Reports of the National Society on the schools under their management, but the only details of evils connected with those schools were those which were connected with the buildings, and he did not bring forward a single instance where the system of education in those schools was insufficient or imperfect. The noble Lord the Member for King's Lynn (Lord Stanley) had dwelt in terms of commendation upon the permissive character of the present measure; but it seemed to him (Lord R. Cecil) that this permissiveness cut from under the noble Lord's feet the only ground on which he supported the measure; namely, that there was a great want of education in the country, and that it was owing either to unwillingness or inability on the part of the people to subscribe to the establishment and maintenance of schools, and to the Committee of Council on Education not extending their aid to districts where, from unwillingness or inability, the public did not come forward with the subscription necessary to obtain the Privy Council grant. Now, if people were not generous enough or rich enough to subscribe for the building of a school, he doubted very much whether they would be generous or rich enough to impose a rate upon themselves for that purpose. Great stress had been laid on the fact that the Bill did not attempt to override existing schools, but left things as they were. This seemed to be a perfect illusion; for the moment a parish imposed a rate upon itself for the support of a school, that moment they would find that all private sources of support for other schools would be dried up and cease altogether. As far as religious instruction was concerned, he looked upon the Bill as the secular system in disguise. The right hon. Gentleman likewise spoke of the necessity of maintaining the great vital doctrines of Christianity, in which we were all agreed; but he (Lord R. Cecil) was not aware of what those vital doctrines of Christianity were in which we were all agreed. Between a Unitarian on the one hand, and a member of the Church of England on the other, there could be no agreement at all; and would they draw a line between the Unitarian and the rest of the Christian community, and say, "We will educate all on this side, but none on the other?" He could tell the right hon. Gentleman that the Unitarians were in some places by no means an insignificant minority of the population. In Manchester they had two schools, and would no doubt be strong enough to swamp a school if they thought proper. They might withdraw half the children from the religious teaching of the school, and so the religious teaching would cease altogether. The schools would be thrown into the hands of those who despised dogmatic instruction; and slowly, by degrees, the instruction given would be reduced to the colourless teaching advocated by the friends of the secular system. He deprecated anything that could tend to confuse the outlines of belief—that attempted to unite sects that were irreconcilable to each other; and still more, anything that would give the children an impression that the religious points set aside in the schools were unimportant points, not worth fighting for—open questions, to be believed or not. The result of the system of teaching, as proposed by the right hon. Baronet, would be to make England a nation of infidels.

MR. W. J. FOX said, although he could not join with the noble Lord (Lord Stanley) in giving his unqualified adhesion to this Bill, yet he felt grateful to the right hon. Baronet (Sir J. Pakington), for the able, candid, and earnest manner in which he had brought forward this question. It was a gratifying circumstance that the House would have two measures on education before its consideration, emanating respectively from such influential individuals as the present Colonial Secretary and the right hon. Baronet opposite. The speech of the noble Lord, who had last addressed the House, indicated that some of those obstacles to the solution of this question which had hitherto proved so formidable, had by no means given way. The friends of national education must, however, endeavour to approximate as closely as they could, and agree to forego objects impracticable in the present state of society, in order to combine in the great work of elevating the poorer classes from their degraded condition. In this spirit this measure appeared to have been prepared, and in the same spirit it was to be hoped that it would be judged by all parties, whether they were attached to the secular or to the religious system, to Church of England, or to Dissenting schools. Whatever figures might be quoted in that House, showing that schools and teachers had accumulated, no one could gainsay the actual fact which the Census revealed, that out of every four persons who were married one at least made his or her mark instead of signing a name; when, also, a large proportion of the men enrolled in the militia regiments of many counties were unable to write their own signatures; and when, likewise, although the letters from private soldiers in the East showed an amazing advance of intelligence in the ranks of the army, the tracts distributed in the hospital at Scutari were nevertheless generally read by one person to four or five others, indicating that one out of five was about the proportion of those gallant invalids who were able to read. Now there was evidently throughout the country a failure in our schools as a system. You found this from the reports of the inspectors, one of whom some time ago declared that our schools generally were so poor and so inefficient that it would hardly gratify the friends of education even if every child in this country attended one of those schools. Directors of mechanics' institutions found that the great obstacle to their beneficial working was the want of elementary training among the people, and the experience gained in the course of the first session of the People's College lately established in London was of such a kind as led those at its head to endeavour to combine an elementary school with it, because they found that the minds of those they desired to enrol as their students were not sufficiently prepared. The Bishop of Manchester had lately made the very same complaint in opening an institution at Bury, and the experience of such institutions everywhere showed that sounder elementary instruction must be administered in the English schools. We might then, he thought, even without considering the extension of education, safely assume that a great improvement was absolutely necessary in its quality, if we would bring the country into a condition as regarded instruction which would be creditable to the national character. He would not attempt to analyse the provisions of the Bill now brought before the House, but he was highly gratified with the proposition — which he trusted the right hon. Gentleman would see no occasion to relinquish—that all the schools established under this Act should be free. He believed that the provision was of most material importance, and he thought it would meet to a great extent the objection of the right hon. Baronet the Home Secretary that you would not get the children into these schools. The working classes generally showed considerable appreciation of superior teaching. If one school had been found better than another it was sure to be especially resorted to; and that had often been the case in defiance even of religious prejudices. One great advantage which he anticipated from freedom in the schools was, that it would afford an opening for the exercise of a very legitimate and wholesome influence on the minds of the working classes by employers. Every employer was desirous of having intelligent workpeople; and when young persons came to ask for employment, they might fairly tell them that they must first attend a gratuitous school in the neighbourhood. This was no mere speculation. It had been stated in evidence that 120 important firms in Manchester had declared their determination to make instruction, to a reasonable extent, a condition of employment in their establishments, provided there were free schools in the neighbourhood, so that the children could get this education without expense; and such a declaration on the part of employers, extending throughout the country, would stand very much in the place of the compulsory system. With schools which were perfectly free, it would be practicable to have, what had been attended with so much advantage in the United States, a graduated system of schools, commencing with schools of an elementary character, and rising gradually till they got to the very threshold of collegiate instruction. In America, one result of that graduated school system had been to lower the cost of education very considerably. One word with regard to the religious question. Had the right hon. Gentleman (Sir J. Pakington) attended to the speeches of the advocates of what was termed the secular system, he would not have been as surprised as he appeared to be at the observations made by the right hon. Member for Manchester (Mr. M. Gibson) on the occasion to which he referred, because he only expressed the opinions generally held by those who were in favour of that system. These persons did not object to religion being taught at all, but to its being taught by the schoolmaster—and they were supported in their view by the Government, who thought that linear drawing, perspective, and the ornamental arts might be usefully taught without any admixture of religious instruction. There were agencies at work throughout the country which would prevent even the children of profligate parents from being wholly destitute of religious teaching. Moreover, it was an unfounded notion that the poor were prejudiced against anything free. In Prussia, during the stormy political scenes of 1848, the school system remained perfectly unshaken, and only this alteration was made in it—namely, that, whereas, up to that time there had been a payment from the parents, the schools were afterwards, in obedience to the public voice, made perfectly free. This portion of the right hon. Gentleman's measure for making the schools free, he (Mr. Fox) deemed therefore of great importance, and he believed the establishment of such a system would lead to an elevation in the standard of instruction. As to the charge of eliminating religion from education brought against the advocates of what was called the secular system, this phrase arose from a mistaken idea of the character of a school. The school instructed; it did not educate. The entirety of education was far beyond the grasp of the schoolmaster; it depended upon a variety of agencies and influences far beyond him. The best agent in this work was, no doubt, a truly religious parent, and the next best was to be found in the generous exertions made in the Sunday schools—an agency which existed all over the country, and which would never fail to lay hold upon the forsaken child, endeavour to guide him in the way of religion, and do what could be done towards touching his conscience and purifying and elevating his soul. But he thought there were very serious objections to making the schoolmaster the religious teacher, for there was the danger of his converting the school into a mere proselytising shop, and also of rendering secular education subordinate to religious instruction. He should be glad if the right hon. Gentleman would seriously inquire whether the low state of education of which he complained, and which was for some reason or other the general characteristic of our schools, was not associated with the fact of those schools being connected with the Church of England and other religious denominations? A teacher was selected, not for his intellectual character, not for his extensive or appropriate acquirements, but for his religious character. He filled the position of a species of missionary. The secular education he was called upon to impart became a matter of secondary and subordinate importance to the religious instruction given, and he unscrupulously sacrificed it whenever he imagined that by so doing he could promote the higher object. This would be a noble state of mind for a missionary, a clergyman, or a Dissenting minister, but he maintained it was not a state of mind for a teacher of reading, writing, and arithmetic. What would be the result if the same feeling were made predominant in the counting house or in the camp? The whole of our schools were at present so closely connected with the various religious denominations that that very fact must necessarily tend to keep down the intellectual standard of the instruction imparted. But, surely, it would not depreciate religious education if the child were led to know that there was a place endowed with greater sanctity than the schoolroom, where his religious feelings were to be matured, confirmed, and expanded. If education were to be raised to a higher standard, he believed there was a power in knowledge which would in itself alone enable the child to exercise his own judgment with a proper acuteness and power. Education called the faculties into their appropriate exercise, and there need be no apprehension that a child would not be religious, even if he had not that specific and dogmatic teaching forced upon him which the noble Lord who spoke last seemed to think so very desirable. Let character have its formation and the mind its nurture and strength, and, though the mind were placed under a supersitious schoolmaster it would outgrow superstition; though it were under a fanatical schoolmaster, it would outgrow fanaticism; though it were under the worst of bigots, it would be likely in time to see its way charitably and generously; and, though it were under a sceptical schoolmaster, scepticism would, he believed, perish with its growth, and it would be open to the influences of truth, history, and science, and would find its way towards that religion which was in harmony with human nature and which raised human nature to its highest pitch. He felt sure that all who thought with him upon the question of education would not feel inclined to stand in the way of fair and grateful consideration of any propositions which might be laid before them by the right hon. Baronet.

Mr. MILNER GIBSON said, he thought the friends of education were greatly indebted to the right hon. Baronet (Sir J. Pakington) for the effort he had made to bring this subject under the consideration of the House. The right hon. Gentleman, acting consistently with his own predilections, had undoubtedly endeavoured to take a considerable step towards establishing a free system of national education, and had recognised, to a great extent, the principle of liberty of conscience. There was one statement in the right hon. Baronet's speech to which he (Mr. M. Gibson) must demur; he referred to the statement that the Manchester and Salford Bill was thrown out through a paltry quibble. As he was the Member who moved the Amendment which defeated the Bill on the second reading, he felt bound, in justice to himself, to defend the course which he took. Though it was not unimportant whether measures of that kind were private or public, the reason why the Bill was defeated was, that it did not meet with the concurrence of the Corporation of Manchester, who represented the great body of the rate payers. When a private Bill was introduced in that House which would have taxed a locality contrary to the wish of the great majority of the taxpayers of that locality, and whom in this case he represented, he felt that he would be most legitimately discharging his duty in opposing its progress. The right hon. Baronet the Home Secretary had correctly represented the state of affairs in the Committee on the Manchester and Salford Bill, when he stated that there were three parties concerned; namely, the voluntaries, the seculars, and the Manchester and Salford educationists. The Bill now sought to be introduced was to a great extent identical with that of the Manchester and Salford educationists. If ever any system of national education was to be adopted, the three parties to whom he referred must unite and endeavour in some way to settle their differences. He was quite sure, at least, that any two of these bodies could defeat the third, and before any system of national education could be established two of them must unite. The two which he thought most likely to unite, were the party of the right hon. Baronet opposite and the secular party. Those parties were both agreed upon the question of rates, the question of local management, and upon the principle, at least, of separating religious instruction from secular instruction to the extent, that persons of different religious denominations might be associated together in one common school; but the rock a head upon which they split was the proposition of the right hon. Gentleman, to make it a condition that in any school supported by rates some religion or other should be taught. The right hon. Gentleman thus involved himself in a scheme for teaching all religions and every conflicting form of theological opinion at the public expense. This was a difficulty hard to be overcome, because the sincere religious world would not consent to any plan that professed to teach all forms of religion at the public expense. If public education were to be supported by taxes and rates, they preferred that it should not go beyond secular teaching, and that religious instruction should be supplied by other means and in other ways. He was most anxious to co-operate with the right hon. Baronet, but he would ask the right hon. Gentleman what his hon. Friend behind him, the hon. Member for North Warwickshire (Mr. Spooner), would say, supposing he were one of a minority residing in a parish where the majority of the ratepayers were Roman Catholics, if that majority established a school, carried it on in strict accordance with Roman Catholic principles, and then called upon the hon. Member to contribute his rate towards its support? Why, the hon. Gentleman would treat the proposal with all the indignation with which he now treated the annual proposal to give grants of the public money to the Roman Catholic College of Maynooth in Ireland. The existence of a Church Establishment would make the difficulty very much greater; for it would, of course, be argued that it was absurd for the State to raise taxes to teach a religion which was opposed to the religion of the State Church. He should, therefore, for his part, decline to involve himself in the religious element at all. The right hon. Baronet the Home Secretary had very correctly described the secular plan of education. The advocates of that scheme did not prevent religion from forming part of a child's education; all they asked was, that certain hours in the day should be set apart for religious instruction, during which time no child should be compelled to attend, and that the school should be opened at other hours for secular instruction. They recognised the necessity of religious teaching being a part of education, but they maintained that if education was to be supported by public rates the schools must be free and accessible to all, which they never could be unless they were secular and not religious schools of a denominational character. There being three parties in the country on this subject, and two of them now being in a manner before the House, it was not unreasonable that the third—the secular party—should also be permitted to introduce a Bill. That party had a Bill ready, and some time ago a body of gentlemen who had taken a very active part in promoting the secular system of education had requested him to ask the permission of the House to lay it on the table. In accordance, therefore, with that request, and feeling that after what had passed that night it was of great importance, if the different parties ever were to agree, that their respective plans should all be laid before the House together, he would take this opportunity of giving notice that at as early a period as possible he would ask the permission of the House to introduce a Bill for providing a secular scheme of education.

MR. ADDERLEY said, he thought the House was greatly indebted to the right hon. Baronet (Sir J. Pakington) for his admirable statement of the condition of education in this country, and for the definite scheme which he proposed for remedying the present lamentable state of things which he had submitted to them. The best course, he considered, for the House to take would be to allow the Bill to be printed and circulated, before entering into its merits, in order that it might be compared with the rival Bill of the noble Lord the Member for the City of London. He did not feel, however, any particular deference for the noble Lord's Bill, which, he thought, had been crudely drawn and precipitately introduced. He could not help thinking that the noble Lord, finding that the right hon. Baronet was forestalling him on a subject in which he had always been accustomed to take a prominent part, had hastily introduced his ill-considered Bill, in order that he might still retain the appearance of taking the lead on the subject of education. But he could not consent, either with respect to education or colonial legislation, to wait any apocryphal period for the noble Lord's return from Vienna to discuss measures in that House. He thought that the present question was too important and urgent to be regarded as a matter of personal or party rivalry between any persons, and he would say, further, that the time for discussion was past and the moment for action had fully arrived, though it seemed to be considered as a thing of course that there should be an annual education debate, which had never yet produced any practical result. How many proposals on the subject of education had been discussed in that House, and elaborate resolutions had been passed without any difference of opinion in another place, and yet they had not moved a single inch towards carrying out the common object of them all. At the present moment there were two Bills before the House connected with education, both of which might be called denominational, and a third plan had just been referred to by the right hon. Gentleman who last spoke, which might be described as the secular plan. Perhaps the noble Lord the Member for Stamford (Lord R. Cecil) might propose a fourth plan embodying the voluntary principle, and then there would exist a more complete confusion and mystification in respect to educational schemes than had existed for many years past. Each of these schemes, with the exception of the voluntary one, assumed the propriety of raising local rates for educational purposes; and that circumstance alone formed an important ground of union in devising some good national system. The denominational and the secular party were agreed upon that point; and as they formed nine-tenths of all the people in the country who had carefully considered that subject, there existed sufficient means of effecting an important part of the object. The voluntary party alone occupied a perfectly isolated position; but that party had almost dissolved of themselves, for they had consented to accept grants from the Privy Council for the maintenance of the greater number of their schools. It appeared to him to be clearly established that schools conducted on the purely voluntary system could not be maintained in a manner adequate to the exigencies of the country, and that if they could continue to exist at all they must be of a very inferior description. They might be maintained by a few individuals, who were prepared to make great sacrifices for the purpose of carrying out their opposition to Privy Council grants; but such patronage and support were necessarily precarious, like the resources and the lives of its authors. He should further say, that he believed the purely voluntary schools were, generally speaking, the worst schools in the kingdom. ["No, no!"] Why, in nine cases out of ten the voluntary system had broken down, and aid was received from the Treasury or Privy Council. Then, if all the best schools were already receiving public grants, the question to be decided was, what was the best mode of affording the public aid, not everywhere—but wherever needed—whether by Treasury grants or grants from local rates or from both combined? And here he must say, that all experience was in favour of local rates as the basis of national support in preference to Government grants, though he quite agreed with the right hon. Baronet the Member for Droitwich that the Treasury grant might be continued in aid of the local rate, and that the organisation for inspection might be maintained. He was of opinion that, great as had been the good which the Privy Council system had effected, it had this fatal objection, that it placed all schools in England under one head, and though the person who presided over the system might be a highly educated and able man, he was yet not likely, from his position, to be acquainted with the requirements of all the localities in the country. Besides, he might be a theorist rather than a practical man, and, sitting in his office in London, he might endeavour to apply his favourite hobby to localities, whether it was adapted to them or not. He (Mr. Adderley) maintained that the instruction given to the poorer classes of the country should be mainly industrial, so that they might learn the means of earning their livelihood honestly. He disagreed from the noble Lord the Member for Stamford in his views regarding the Bill of the right hon. Baronet (Sir J. Pakington); it was strictly denominational; nor did he believe that it was, as had been asserted, a secular system in disguise; nor could he believe that any scheme merely because it promoted the diffusion of knowledge would lead to those disastrous consequences to religion and the Church of England which the noble Lord seemed to dread. He believed that the most material points were held in common by Christians of all sects, and that, so far from the spread of knowledge among the schools of all recognised denominations being likely to increase infidel notions, it would tend to bring the hostile camps more closely together, to clear away the mists which now intervened, and to extend and strengthen sound views of religious truth. In such a case, the Church of England would, in his opinion, have nothing to fear. He would now say a few words on the leading features of difference that existed between the Bills of the noble Lord the Colonial Secretary and the right hon. Baronet. The principle of the two Bills was the same, but there were differences in detail of a very important character. The noble Lord (Lord J. Russell) proposed to leave the moving agency—the power of setting the schools in motion—in the hands of town-councils and vestries. There were many objections to this proposal, and one of the first was that town-councils and vestries were not likely to move at all. The House would bear in mind the case of Manchester, where the ratepayers were the first to petition Parliament to pass a measure to tax themselves for purposes of education. Here the ratepayers took the initiative, but the town-council stepped in and frustrated the measure. This furnished them with an example of the manner in which the Bill of the noble Lord would be likely to work. The right hon. Baronet, in his Bill, put the initiative in the hands of the ratepayers, the class who he (Mr. Adderley) certainly thought ought to be allowed the initiative in volunteering such a tax upon themselves. According to the measure of the noble Lord, whatever scheme a town-council or vestry might propose was to be carried out if it received the sanction of the Committee of Privy Council. He need hardly say what a variety of schemes would thus be brought forward without Parliament having a word to say on the subject — all issuing from behind the screen in Downing Street, and producing a most complicated and confused state of things throughout the country; and he might observe, in passing, that there was a very great objection to the system of by-legislation in which the Committee of Privy Council was already allowed to indulge on this very important subject. He further thought the House would agree with him when he said that the proposal of the right hon. Baronet to place the management of the schools in the hands of the ratepayers was much preferable to that of the noble Lord the Secretary for the Colonies. Then the noble noble Lord placed his scheme on local funds for its support, as was also done by the right hon. Baronet; but the noble Lord used them only as supplementary to any other funds "that might be available." This evidently pointed to money to be paid by the children. Now, he would not enter upon the question of free schools, but would only observe that, unless the scheme embraced a system of free schools it was not worth instituting. Free schools are the reverse of eleemosynary when paid for by rates on the people. What we required was a system paid for nationally wherever the eleemosynary or private patronage system failed, and placed on the footing of other great national schemes. There could be no doubt that the religious point was one of great difficulty. Whether the principle laid down by the right hon. Baronet was acceptable to the House or not remained to be seen; but he hoped it would be borne in mind that if any one could suggest an improvement upon that principle the right hon. Baronet had stated that he would be ready to adopt it. He believed that if this Bill, or some measure of a similar nature, was not adopted during the present Session, hon. Members would be wearied of introducing Bills, year after year, on the subject of education, which led to no practical result, but merely gave rise to fruitless discussions. He thought it discreditable to the country that such an enlightened assembly as that House should discuss this subject Session after Session, without arriving at any definite decision. The right hon. Baronet the Home Secretary had stated that one of the difficulties in the way of this measure was that something like compulsory attendance must be enforced, in order to carry out the system which it proposed to establish. For his own part, if it should become necessary to enforce compulsory attendance, he (Mr. Adderley) did not think such a plan would be attended with any great inconvenience; as, indeed, it was already partially tried in the case of factory schools. He believed, however, that the right hon. Baronet was incorrect in stating that it had been found necessary to enforce compulsory attendance in all those countries in which a system of this nature had been adopted, for he understood that no regulation of that kind existed in America, or at least in the New England States. The right hon. Baronet had also said that he thought there would be some difficulty with respect to the distribution of the rate, but he (Mr. Adderley) understood the proposition of the Bill of the right hon. Baronet (Sir J. Pakington) to be that the tax, being generally and evenly levied, should be distributed by the managing committee to all existing schools of recognised denominations, according to the number of children they each contained.

VISCOUNT PALMERSTON: I am sure, Sir, the House is greatly indebted to the right hon. Baronet the Member for Droitwich (Sir J. Pakington) for the very interesting and able speech with which he prefaced his Motion, and which shows that he has applied his powerful and vigorous mind to the investigation of one of the most important subjects to which a public man can devote his attention. With regard to the measure he has proposed, until it is laid before the House, and we have had an opportunity of becoming acquainted with its details, I think it is premature to express any decided opinion as to the comparative merits of the scheme of the right hon. Baronet and that of my noble Friend (Lord J. Russell), to which allusion has been made in the course of the discussion. I must say, however, that I think some of the observations of the hon. Gentleman who last addressed the House, referring to the Bill of my noble Friend, were not perhaps exactly *apropos* to the measure under consideration, but somewhat anticipating future discussions. It is manifest, as the right hon. Baronet (Sir J. Pakington) has stated, that there is a great necessity for some more efficient arrangement for the education of the lower classes. I cannot help thinking, however, that he has in some degree exaggerated the amount of ignorance, and the amount of consequent criminality, which exists in the country. I have no doubt that the instances he has mentioned were cases with regard to which he is in possession of facts that are accurately stated, but I think we are not justified in taking those instances as examples by which we should judge of the criminality of the country at large. I am happy to say that, as far as my own local knowledge extends, the districts with which I am acquainted certainly do not resemble, in that respect, the places from which the right hon. Baronet has derived his information. No doubt the religious question is one which may, I am afraid, oppose great difficulties in the way of those who take this subject in hand, but I agree with the right hon. Baronet in hoping that those who entertain different opinions upon this branch of the question may recollect that we all hold opinions in common, which ought to be, and which may be, the foundation of a common system of education, and I confess I do not agree with a noble Lord, who spoke on the opposite side, in thinking that differences upon religious subjects are so radical and so complete as to render it impossible that a common system of education should be adopted, applicable to persons of all denominations. Under these circumstances I accept, with the greatest pleasure and cordiality, the proposal of the right hon. Baronet to introduce this Bill. I think he has done right in postponing, until after Easter, the further progress of the Bill, for the House will then have before it the two measures of my noble Friend and of the right hon. Baronet. I must say, however, that I think the criticism in which the hon. Member who last spoke has indulged upon the Bill of my noble Friend does not seem to me very applicable. The hon. Gentleman has contrasted the greater liberality of the arrangements proposed by the right hon. Baronet with what he conceives to be the smaller degree of liberality of the measure of my noble Friend. The right hon. Baronet proposes that the management of the schools shall be confided to persons elected by the ratepayers, while my noble Friend proposes to place the management in the hands of the town councils and vestries. I think the hon. Gentleman (Mr. Adderley) must surely forget that the town councils are a creation of popular elections. In either case, therefore, the managers will be elected by a completely popular suffrage. The House will have to determine which of the two plans it may be the more expedient to adopt, but, in point of principle, both measures are founded upon purely popular and general choice. I hope that the discussion which has taken place will satisfy the House on the present occasion, and I trust that hon. Gentlemen will reserve the expression of their opinions in more detail until the two Bills are upon the table, in order that we may be allowed to proceed with other matters which are equally worthy of the attention of the House.

Leave *given.*

Bill ordered to be be brought in by Sir John Pakington, Sir Edward Bulwer Lytton, and Mr. Adderley.

Bill read 1°.

METROPOLITAN LOCAL MANAGEMENT.

Sir BENJAMIN HALL said, that after the unavoidable delays which had taken place in the introduction of the measure of which he had given notice, he was glad to have an opportunity, although the hour was late, to move for leave to bring in a Bill for the better Local Management of the Metropolis. It would be his duty to lay before the House a statement of the present condition of the metropolis, and of the manner in which its local affairs were now administered. It would also be necessary for him to enter into some details to show the necessity for fresh legislation, and the House would naturally expect him to explain the provisions of the Bill he was about to introduce to remedy the evils and correct the abuses that now existed. He should, therefore, in order not unnecessarily to trespass upon the time or to dwell too long on the patience of the House, refrain almost wholly from any prefatory remarks, and proceed at once to discharge the duty he had undertaken. He should rest his case on a plain statement of facts, upon which comment would be superfluous and argument unnecessary. And he felt convinced that it would be admitted on all sides that the time had fully arrived when this great subject should receive the serious consideration of the Legislature, and when some measure should be adopted to remedy the evils that now prevailed.

At the commencement of this session her Majesty was graciously pleased to say, in the speech from the throne, "Although the prosecution of the war will naturally engage your chief attention, I trust other matters of great interest and importance to the general welfare will not be neglected." Now he knew of no matter more important and interesting than the improvement of the first city of the empire. It was that to which he desired this evening to direct the attention of the House, and that was the matter which he had been charged by Government to bring under their consideration. Various Governments had promised, at different times, to introduce Bills in relation to this subject, but Ministry after Ministry had passed away without any attempt to legislate upon it. The last intimation given by a Government of such an intention was in the year 1848, when Lord Morpeth, then Chief Commissioner of Woods and Forests, introduced the Public Health Bill. The noble Lord declared that, although the Bill made no exceptions in England and Wales, and, strictly speaking, the metropolis was not excluded from its provisions, yet some preparatory and supplementary measures must be enacted by the Legislature before the provisions of the Bill could be made applicable to the case of the metropolis, owing to the great number of local bodies, and generally to the whole condition of a community outnumbering in itself the population of many continental states, and Lord Morpeth concluded by saying, "One of those measures I hope to introduce within a very short period." Seven years had elapsed since that period, and no measure of the kind had ever been brought under the consideration of the House. He (Sir Benjamin Hall) knew the difficulties with which such a subject must be surrounded, and the opposition that would be raised by interested parties against any measure framed for the benefit of the community; but still he hoped that the Bill he was about to introduce would be received with some favour by the Legislature, and he was satisfied that it was so framed as to be acceptable to the public at large, for whose benefit it was really intended.

Now, the first point he should have to establish was this,—what should be the area of the metropolis. In the course of the last session an hon. Gentleman, the Member for Pontefract, moved for a Committee to inquire into the expediency of buying up the various metropolitan bridges belonging to private parties or companies over which toll was levied; and the motion he submitted was acceded to by his right hon. Friend, then, as now, the Chief Commissioner of Works, but on this distinct understanding, that no money should be voted out of the public treasury for the attainment of that object. It therefore became necessary in the discussions of the Select Committee, of which he (Sir Benjamin Hall) was a member, to determine what should be the metropolis. Some gentlemen thought it was advisable to determine that the metropolis should be that area over which the coal tax was levied, and which had a diameter of no less than 40 miles, of which St. Paul's was the centre. There were others who thought that the metropolis would be more properly defined by taking that area which was under the jurisdiction of the Metropolitan Police Commissioners—30 miles area—of which Charing-cross was the centre, and which included all those parishes parts of which were embraced in that area. Others were of opinion that the metropolis was better defined in a schedule attached to the Metropolitan Interments Act of 1852; while others, again, thought that the Registrar-General's district should more properly be regarded as the metropolis. Now, without referring to any of the arguments used in support of those different propositions, he would simply say that he proposed to take the Registrar-General's district, and call that the metropolis for the purposes of the Bill he would now introduce; and he could give a very short and clear account of that district, by quoting from the report made by the commissioners appointed to inquire into the existing state of the Corporation of London in 1853, and which was presented in May last year. Those commissioners were Mr. Labouchere, Mr. Justice Patteson, and Mr. Lewis, now Sir G. Cornewall Lewis, the present Chancellor of the Exchequer. They defined the metropolitan district, which he now proposed to take for the purposes of this Bill, in the following manner:—

> "Since 1831 the metropolis of the Registrar-General has been used for the census and other statistical objects. The metropolis recognised by the Registrar-General is formed of 36 registration districts, extending from Hampstead in the north, to Wandsworth in the south, and from Stepney in the east to Chelsea in the west. Its greatest dimensions measured in these directions are 11 and 15½ miles. It is according to this division that the census of the metropolis for the year 1851 has been arranged. It appears that the entire metropolis within these limits contains an area of 78,029 acres, with 305,933 inhabited houses; that its population was 958,863 in 1801, and 2,362,236 in 1851—having more than doubled in the last 50 years; and that the value of its property assessed to the poor rate in 1852 was 9,964,348*l.* But whilst the metropolis at large, as set forth in the Registrar-General's district, has rather more than doubled since 1801, in the following districts the population has considerably more than doubled since 1801:—

District.	Population in 1801.	Population in 1851.
Kensington	20,465	120,004
Pancras	31,779	166,956
Islington...	10,212	95,329
Stepney	34,909	110,775
Poplar	8,278	47,162
Lambeth	27,985	139,325
Newington	14,847	64,816
	148,475	744,367

> Being five times greater than in 1801."

Now, from the whole tenor of this report of the commissioners on the corporation of London, it became evident that it was utterly impossible for many months to elapse before the Government of the day must bring in some measure for the better local management of the metropolis. He (Sir B. Hall) little expected at that time that he should be the person appointed by Government to undertake that office; but feeling confident that it must be undertaken by somebody, in June last, in concert with his noble Friend the Member for the City of London, he framed a form of returns, for which he obtained an order from the House, and which would show the manner in which the metropolis was managed. They were very imperfect, but still much information might be derived from them. Even under an order of the House, there had been the greatest difficulty in obtaining information from the various officials, secretaries, clerks, and collectors, and it was only by the perseverance of his right hon. Friend, the head of the Poor-law Board, through whose department the return was obtained, that anything satisfactory could be laid on the table of the House. He should, however, be able to show that there were hardly any two parishes governed alike; and when he should have made the House acquainted with the manner in which the local affairs of the metropolis were managed, the reason for such a measure as that which he hoped to lay upon the table of the House would be at once acknowledged. He would now mention a few parishes of the different metropolitan boroughs. Some time ago, on receiving a deputation from certain parishes, he made a statement to them about the mode in which their affairs were managed, and as that statement appeared in the public papers, he would avoid any reference to those parishes which were then spoken of, and would only refer to some other cases which had not yet come under the cognisance of the House and of the public. He would cite some cases in each metropolitan borough, and would begin with the borough of Finsbury. In the Liberty of the Rolls the vestry is composed of "the ancient inhabitants," that is, such as have served the office of overseer. The paving committee has 1,509 yards of streets, and pays 126*l.* a year in salaries, or 147*l.* a mile. St. Sepulchre has nearly 1¼ mile of streets, and pays 129*l.* for supervision. The commission is self-elected. Ely-place is 326 yards long, and 156*l.* 2*s.* is paid for its superintendence, being at the rate of 842*l.* 15*s.* per mile. In St. Giles and St. George, Bloomsbury, no person is entitled to attend or vote at the meeting for the election of vestryman, unless he is rated to the poor rate at an assessment of 25*l.*; and no person letting part of his premises can be a vestryman, although he may be rated at 500*l.* a year. In Islington the qualification is 20*l.* He would next advert to the borough of the Tower Hamlets. In Norton Folgate the vestry is composed of those inhabitants who have served, or paid fines for refusing to serve, either of the offices of overseer, constable or headborough. In Christchurch, Spitalfields, it is composed of those who have been either churchwardens or overseers. In St. Botolph Without, Aldgate, it is composed of persons who have served all the parochial offices, namely, headborough, constables, churchwardens, and overseers. The vestry has existed in this form from time immemorial, and is not constituted by any local act. In St. John Hackney, the vestrymen are elected by the inhabitants, but no inhabitant can vote who is assessed at less than 40*l.* a year. In Mile-end New Town the qualification is 12*l.* In St. Paul, Shadwell, 10*l.* In St. Mary, Stratford-le-bow, 15*l.* In All Saints Poplar, 30*l.* In St. George's-in-the-East, inhabitants can vote who pay 24*s.* a year to the poor rate; while in St. Anne, Limehouse, they must pay 48*s.* a year. St. Leonard, Shoreditch, has three paving boards; one of these, the High-street Commission, has one mile of street, and pays in salaries 118*l.* 2*s.*, self-elected and elected for life. Another, the Hoxton-square Trust, has 456 yards; salaries, 47*l.* the receipts being 46*l.*; rate per mile 186*l.* 13*s.* 4*d.*; commission self-elected and for life. Old Artillery Ground 814 yards; salaries, 122*l.* 8*s.*; rate per mile, 264*l.* 13*s.*; self-elected and for life. St. George-in-the-East: the paving is under five separate boards; the lighting and cleansing under three boards, one of which pays at the rate of 16*s.* 7½*d.*, each for the supervision of 363 lamps. In the Borough of Lambeth, St. Mary, Newington, has two paving and four lighting boards, which are confined to the parish, and five other boards which also extend over other parishes. The average cost of the superintendence of each lamp is 11*s.* 6*d.* Of these boards seven are self-elected. Lambeth has nine lighting boards, and the avarage cost of the superintendence of each lamp is 11*s.*, so far as it can be ascertained. Next came the borough of Southwark. In St. George the Martyr the paving is under six different boards, and the West Borough Pavement Commissioners have 2¼ miles of streets, and pay 484*l.* in salaries, or 217*l.* per mile. They are self-elected, and for life; and there are two other boards similarly elected. In St. Olive, St. Thomas, and St. John, the East Southwark Commissioners pay 851*l.* for little more than six miles of road, or 136*l.* per mile; self-elected and for life. In St. John's there is a select vestry, elected by the parishioners, one-half by persons rated at 75*l.* and upwards; one-half under 75*l.*, and not less than 10*l.* Turning to Westminster, he found that the parish of St. George, Hanover-square, contained 1,161 acres, and was in three divisions. The part under the vestry elected under the provisions of Hobhouse's Act had 14 miles of road, paid in salaries 638*l.* or 45*l.* per mile, and was most admirably managed. When he turned to Belgravia, which was under a separate jurisdiction, he found it, if not one of the worst managed, certainly the most extravagantly managed in the metropolis. The Grosvenor-place trust had 12 miles of road. The salaries paid were 1,323, or on the avarage, 110*l.* 5*s.* per mile. Besides these there was another district, of, he believed, about 218 acres, lying below Grosvenor-place, which was without any jurisdiction, but was kept in order by the Messrs. Cubitt, who built the houses there, and, if they abandoned there present supervision, there would be no jurisdiction for paving purposes in that district. This evil, amongst others, he proposed to remedy in his Bill. In St. Mary-le-Strand, there were 480 yards of streets. The salaries 120*l*., or 440*l*. 8*s*. 6*d*. per mile. In the Savoy there were 600 yards of streets. The amount paid in salaries was 84*l*. 15*s*. 9*d*., or 248*l*. 14*s*. 2¼*d*. per mile. The case of the Strand was exceedingly singular. There were in the whole of the Strand Union 11 miles of street over which no less than seven different paving boards, each with its establishment of clerks, collectors, surveyors, and other officers, had jurisdiction, and to show in what manner the officers were appointed, it was only necessary to observe that one of the surveyors was, when appointed, a tailor, and another a law stationer. The cost to the rate payers for maintaining the official staff attached to these boards was 88*l*. a mile.

Then, as to the mode in which, under the existing system, the great thoroughfares were managed, in reference to the paving and lighting. In order to give an illustration of this, he would ask those whom he had the honour of addressing, to follow him in his description of the Strand, commencing at Northumberland-house and ending at Temple-bar. Between No. 1, Strand (near Northumberland-house) and Temple-bar, a distance of about 1,336 yards, or a little more than ¾ of a mile, the street is divided into seven different paving boards. First is St. Martin's from the starting point to the centre of Cecil-street (between Nos. 84 and 85), a distance of about 480 yards. Up to this point the whole width of the street belongs to St. Martin's, but from Cecil-street to opposite the centre of Burleigh-street (near No. 112), a distance of 145 yards, only one-half the street (the north side), is under that paving board. The other half from Cecil-street (between Nos. 84 and 85) to No. 107, a distance of about 118 yards, belongs to St. Clement's. At No. 107, the district belonging to the Savoy commences, and for a distance of about 27 yards the street is divided between the Savoy and St. Martin's from opposite the centre of Burleigh-street (near No. 112) to opposite the east-side of Wellington-street North (near No. 135), a distance of about 83 yards, the street is divided between the Savoy and St. Clement's; and from this point to Duchy-place (between Nos. 137 and 138), a distance of about 25 yards, it is divided between the Savoy and St. Mary's. From this point to the east end of St. Mary's church (near 161), a distance of about 226 yards, the whole width of the Strand belongs to St. Mary's, with the exception of a piece in front of Somerset-house. This portion is about 45 yards long, and 12 yards wide. It is repaired by the Somerset-place contractor. From the east end of St. Mary's church to Temple-bar, a distance of about 400 yards, the whole width of the Strand belongs to St. Clement's. The different paving boards along the Strand, from No. 1 to Temple-bar, therefore come in the following order:—1. St. Martin's alone; 2. St. Martin's and St. Clement's; 3. St. Martin's and the Savoy; 4. Savoy and St. Clement's; 5. Savoy and St. Mary's; 6. St. Mary's alone; 7. St. Mary's and Somerset-place; 8. St. Mary's alone; 9. St. Clement's alone—the distance being 1,336 yards or three-quarters of a mile, and there being nine divisions. Cecil-street, a street running from the Strand towards the river, with a carriage way about ten yards wide, is under two separate managements, namely, St. Martin's and St. Clement's. Along Wellington-street North, from the north end of Exeter-street to the south side of the Strand, a distance of 100 yards, there are four separate jurisdictions, namely, St. Paul's, Covent-garden, St. Martin's, St. Clement's, Savoy. It happens that St. Clement's division comes close up to the houses at the east side of Wellington-street North. The paving of the roadway for a considerable length of the street, is, therefore, done by that parish, but as the houses on the east side are in St. Mary's they cannot be rated for the repairs of the roadway. A precisely similar case, as regards the number of jurisdictions, occurs from the north end of Exeter-street, along Burleigh-street, to the south side of the Strand. Here the houses on the west side of Burleigh-street are in St. Martin's, the division between that parish and St. Clements takes nearly the line of the footway, so that here again St. Clement's repairs the carriage way, and gets no rates from the houses on the west side of the street. St. Ann's Soho: The following are the boundaries of this parish, or that portion of it under the Paving Board: the west side of Crown-street, the west side of Moor-street, the west side of West-street. The east side of these streets belongs to St. Giles's. Upper St. Martin's-lane, the north side of Great Newport-street, the west side of Castle-street (as far as Bear-street), the north side of Bear-street, the north and west sides of Leicester-square, the north side of Spur-street: the other sides of these streets are in St. Martin's. The east side of Princes-street, the east side of Wardour-street. The other sides of these streets, with the exception of a short piece, are in St. James's. As in the case of St. James's, some of the most inconvenient boundaries are paved, by arrangements, by either one board or the other. St. Martin's, Charing Cross; by an Act of Parliament, St. Martin's now paves as far as the Horse Guards. Nearly all the other boundaries of St. Martin's are along the centre of the streets. St. James's Picadilly:—Princes-street, Coventry-street, Wardour-street: only one-half of these streets are in the district of St. James's, but owing to the narrowness of the streets, much inconvenience arose as to the division of the paving; arrangements have therefore been made between St. James's and the neighbouring boards for one or other of them to pave the whole width of the street in some of these instances.

Then nearly all the boundaries of the different jurisdictions in Westminster were in the middle of the street, so that one side of the street was governed by one body, and the other by another. This led to constant difficulties and quarrels between them, to the great inconvenience of the inhabitants. There was one great thoroughfare in this metropolis where the centre of the road was under one head as far as regarded the paving, but the lighting and watering, unfortunately for the inhabitants, rested with two other boards, one on the north and the other on the south. These two boards quarrelled, one of them saying, "We will have the watering done in the morning," and the other saying, "We will have the watering done in the evening." And the fact was that in the summer months one side of the road might be seen watered in the morning, and the other in the evening; so that both sides were, in fact, covered with dust during the whole of the day, but the neighbours had of course to pay the rate. He entered into these details in order that the public might see the absurdity of the present state of things, and that if petitions should be presented against the Bill, the public might be convinced of the necessity of some immediate legislation on the subject being adopted.

Sir B. Hall

After instancing Piccadilly and St. James's-street as also affording illustrations of the inconvenience of great thoroughfares being under different paving boards, in consequence of one part of the thoroughfare being in one parish and another in another, he referred to Marylebone, the borough he himself represented, but he would not refrain from stating the case of that borough, and he was particularly anxious that the abuses should be known in order that they might not remain unreformed, for he believed that one portion of them was managed worse than any other part of London. This was no fault of the inhabitants themselves, but he should be able to show where the fault lay. He would begin with the western part of the great borough which he represented, numbering about 400,000 inhabitants. One parish had 170,000, another 160,000, and the third about 50,000 inhabitants; and the whole borough, having reference to its size, was perhaps the richest district in the world. But how was this large borough governed? To begin with Paddington, he found that, in 1801, there were 1,800 inhabitants; while in 1831, the number had increased to 13,540; and in 1851, when the last census was taken, the population amounted to 46,306. In 1837, when he first became connected with the borough, there were less than 1,000 electors; last year there were 3,686. It was governed by a local act passed in 1844, under the provisions of that antiquated statute, known as Sturges Bourne's Act; and a person must be rated at 10*l.* before he could have one vote in the election of vestrymen, being a higher qualification than was required to give him a vote for Members of Parliament as in that case the real and not the rateable value of the house must be 10*l.* The total number of assessments was 6,944.

Number of assessments under £50	3,582	having	1	vote
Do. at £50, and under £75	1,333	„	2	„
Do. at £75, and under £100	732	„	3	„
Do. at £100, and under £125	431	„	4	„
Do. at £125, and under £150	259	„	5	„
Do. at £150, and upwards,	607	„	6	„
Total................	6,944			

so that one-eleventh of the ratepayers, or 607, had 3,642 votes, which was more than the number of votes possessed by 3,582 ratepayers in the same parish, and was more than half the number of assessments in the parish.

Parish debt (1824-25)	£10,000,	since paid	£6,000
Church debt (1846)	£19,000,	„	£7,200
Guardian board (1846)	£16,500,	„	£6,300
	£45,500		£19,500

Leaving a present debt of £26,000

The vestrymen appointed a committee of eighteen to manage the affairs of the parish; their decision might be overruled by the *ex officio* vestrymen, amounting to nearly forty under the Act. Every resident peer, privy councillor and member of Parliament, every judge and every magistrate was an *ex officio* member of the governing body of the parish; and, besides those, the Connaught trustees appointed a vestryman, and the Grand Junction Canal Company another. There was this peculiarity about the constitution of the vestry—no innkeeper could be elected. In 1845 an attempt was made to upset this absurd state of things, and to introduce Hobhouse's Act, which requires half the ratepayers to vote, and a majority of two-thirds of those who vote must vote in favour of the adoption; the consequence was, that though 1,991 supported the change, there being 1,212 against it, the proposed alterations could not be made. Three years must elapse before the proposition could be again entertained. It was again attempted in 1853, when 2,449 voted in favour of adopting the Act, and only eleven against it, but the number was slightly reduced below the requisite amount on scrutiny, and the ratepayers failed again. So much with regard to the western parish. He would now come to the eastern; and there he found the most extraordinary state of local management that ever existed in any country—he referred to St. Pancras. Its population had increased from 71,838 in 1841, to 170,000 at the present time. There were sixteen paving boards; and a great portion of the parish was without paving, and without any jurisdiction whatever. The manner in which so many different boards were created was this. When a person had some land which he wished to let out on building leases, he applied for an Act of Parliament. This had been the case with the Somer's-town, the Camden-town, the Southampton, the Bedford, and other estates. He would proceed to exhibit the state of things in a few of these districts. In the Camden-town district there were fifteen self-elected Commissioners, of whom about seven attended. There was no treasurer. There were four miles and a-half of road, and they spent 408*l.* 17*s.* for officers' salaries, the whole expenditure for paving, being 336*l.* exclusive of lighting; they had incurred a debt of 11,100*l.* and had levied 1*s.* per pound upon the rateable value. There were no public pumps. Take the Doughty Estate: there were no public pumps—rate, 2*s.* 6*d.* in the pound; there were eighteen Commissioners, and the sum expended for repairs 1*l.* 17*s.* 4*d.*, whilst there were expended for salaries 183*l.* 8*s.* 9*d.*; debt 6,732*l.* On the Foundling Estate Paving Board the Commissioners were self-elected; about ten attend; they have one mile and a quarter of road, and expend 765*l.* 19*s.* 1*d.* in repairs, and pay 313*l.* 5*s.* 5*d.* to officers, clerks, &c.; they have a debt of 20,476*l.*, which is fifty per cent on the rateable value, and levy a rate of 1*s.* 6*d.* in the pound, besides special rates. On the Lucas Estate Paving Board, they have about three-quarters of a mile of road; pay 38*l.* 19*s.* for paving, and 117*l.* 14*s.* for salaries and collection. They have a rateable value of 5,867*l.* and a debt of 4,909*l.* No public pump. In Somer's-town there were twenty-one Commissioners, self-elected; about eight attend; they have not any treasurer, have three miles of road, and spend 538*l.* 7*s.* 8*d.* in repairs and 301*l.* in salaries; they have a debt of 15,000*l.*, which is thirty-five per cent on the rateable value, and levy 10*d.* in the pound. One pump. On the South-Western district there were seventy-five Commissioners, self-elected; attendance eleven. They have five miles of road, expend 983*l.* 14*s.* 6*d.* in repairs and watering, and 352*l.* for officers, besides a residence for the clerk and surveyor, and they have a debt of 5,500*l.*, and levy 1*s.* in the pound on the rateable value, which is 81,000*l.* On the Southampton Estate Paving Board, only twelve and a half miles of road, and the payments to officers amount to 677*l.* 4*s.* being more than 50*l.* per mile for official payments; in other respects this board is well managed. With respect to Holme's Estate Paving Board, the amount authorised to be raised by the act is 1,500*l.*, but it is believed bonds to about the extent of 2,400*l.* have been issued; Commissioners self-elected; no interest or annuity has been paid since the year 1836 or 1837; for the last fifteen years no operations under the Act of Parliament have taken place, and the pavements and roads within the district are in a most dilapidated, dangerous, and dirty state, and under no efficient control; the books and papers of the expired commission are believed to have been destroyed, and this return is signed by the surveyor to the board. Thus, it appeared that according to a Parliamentary paper, printed in 1850, those parts of this great parish which had any paving at all were governed by sixteen district boards, eleven of which are self-elected, and wholly irresponsible to the ratepayers.

There were 427 Commissioners, of whom 255 are self-elected. They had set up fourteen public pumps for the use of 170,000 inhabitants, of which one was returned as out of order. They had forty miles of road, and sixty-three officers of various sorts to superintend, and these sixty-three officers received no less than 4,000*l.* a year in salaries, or 100*l.* per mile; and to complete the whole, they had incurred debts to the amount of 135,357*l.*—so that, excluding the Southampton district, which had little or no debt, these Commissioners, most of whom were self-elected, had incurred a debt of about 140,000*l*, or exactly 5,000*l.* per mile, for which, of course, the ratepayers are liable and of which liabilities they had little or no knowledge. So much for the local government of St. Pancras under petty self-elected boards. Now, contrast St. Pancras parish with the parish of Marylebone, which was governed by one board, and this was the reason he instituted the comparison. In Marylebone the population was 160,000 in St. Pancras 170,000. Marylebone contained 1,560, St. Pancras 2,700 acres. The number of officers in Marylebone was four, in St. Pancras sixty-three. In Marylebone the cost of the staff was 657*l.*, in St. Pancras 4,000*l.* The debt of Marylebone was 16,000*l.*, which was chiefly created under the old unreformed vestry; of St. Pancras 135,000*l.* on the paving boards alone. In Marylebone the streets were paved by the board, in St. Pancras they were, to a great extent, let out to contractors. He quoted this to show how much saving had been effected in Marylebone compared with St. Pancras, by having one board—the same as the vestry—and how expensive was the other under many boards. He would now give a summary of the management of the metropolis. It had a population of 2,233,108; number of inhabited houses 291,240; rateable value, 9,011,230*l.* exclusive of the City of London. The number of different local acts in force in the metropolis was about 250, independent of public general acts, administered by not less than 300 different bodies; 137 of these had returned the numbers comprising these bodies, and they amounted to 4,738 persons. From the other boards there was not any return; but taking the same average for them, there would be 5,710 more persons; so that upon that computation the whole metropolis was governed by no less than 10,448 Commissioners. Besides these there were the following chartered bodies:—Lincoln's Inn, Staple Inn, New Inn, Gray's Inn, Furnivals Inn, Charter-house. There were thirty parishes containing 880,000 inhabitants, and assessed to real property, in 1843, at 3,900,000*l.*, which might probably amount to much more than 4,000,000*l.* at the present time, consequently they represented nearly one half of the whole value of the metropolis. On examination it appeared that these parishes were, each of them, governed either wholly, or in part, by Commissioners or trustees, who were self-elected, or elected for life, or both, and therefore in no degree responsible to the ratepayers. The House would naturally ask why all these evils had continued for so long a period of time, and no steps been taken to remedy them. Take the case of St. Pancras, one of the greatest instances of abuses that had ever existed in a civilised country. In the year 1834 these parties came to Parliament through their vestry. They desired their vestry to expend money for the purpose of remedying these abuses. The Bill was thrown out in the second reading. In 1837 a similar attempt was made with similar results, but at a heavy cost to the ratepayers. In the year 1851 they were more fortunate. He proposed a Bill, which was referred to a Select Committee. It passed through the Committee, and was sent up to the House of Lords, where it was thrown out, and, from that time to the present no step had been taken and no step would be taken, to remedy these abuses, because they spent 4,000*l.* on the former occasion, and the paving boards, over which they had no control, spent nearly 3,000*l.* in defeating the ratepayers, which the ratepayers had likewise to pay.

Sir B. Hall

There were two other boards in the metropolis which had great powers of taxation, over which the ratepayers had no control. One of these bodies consisted of the officers appointed under the Metropolitan Buildings' Act of 1844, and the other body was the Commission of Sewers. The officers appointed under the Metropolitan Buildings' Act consisted of a registrar appointed by the Chief Commissioner of Works, at a salary of 1,000*l* ; an official referee, at a salary of 1,000*l*. ; and other referees and officers, at salaries making a total of 5,510*l*., who were paid partly out of the Consolidated Fund and partly out of the county rate. Besides these, there are fifty-two surveyors appointed by the magistrates in quarter sessions ; they have incomes varying from 200*l*. to 1,600*l*. per annum, derived from fees, and the total amount received by them in 1853 was no less than 24,364*l*. ; so that the cost of this establishment to the country and to the ratepayers was just 30,000*l*. per annum, over which there was no control whatever. He would not dwell upon this subject, because it was the intention of the Chief Commissioner of Works to introduce an Act for the purpose of amending the Act of 1846, but this he might say, that soon after he was appointed to the office he had now the honour to hold, the cholera was almost at its height, and it became his duty to inquire what these officers had done, whether they had prevented dwellings in cellars contrary to the provisions of the Act, and he found that they had greatly neglected their duty. He reported to the Secretary of State, and sent a copy of the report to the Chief Commissioner of Works ; and when his right hon. Friend brought forward his Bill he should feel it his duty to call the attention of the House to these officers, because he thought that parties receiving salaries ought at least to perform their duties. He was waited upon by a deputation of these officers, who complained that they were hardly dealt with as their powers were limited under the Act, but he was prepared to show that they had not exercised for the benefit of the public those powers which doubtless they had ; and one of them, who was the loudest in his disapproval of his report to the Secretary of State, he found afterwards had palpably neglected his duties. In police division B, there were 137 cellar dwellings. In police division D, comprising part of St. Marylebone and Paddington, there were 1,260. In these parishes there were two surveyors, one receiving 540*l*. 13*s*., and the other 1,544*l*. 6*s*. 6*d*. per annum. In the police division E, comprising St. Pancras and other parishes, in which the surveyors received incomes varying from 100*l*. to 1,557*l*. 13*s*. 6*d*., and in 1852, the amount paid to the surveyor in St. Pancras was 1,791*l*. 15*s*. 6*d*., there were 183 of these dwellings. In division F, 232 ; divisions G and H, 870 ; in K and L, 109—making a total of 2,714 cellars used as dwellings, contrary to the provisions of the Act, according to the police return.

The other great grievance under which the metropolis laboured was the Commission of Sewers. They had been almost wholly irresponsible to the ratepayers. The Metropolitan Commissioners of Sewers have jurisdiction over an enormous area, extending in some districts much beyond the metropolis ; but there is a great portion of this area which has never come under rating, or been considered in any way by the Commissioners. In 1847 the metropolitan area was divided into seven separate districts (exclusive of the Regent's Park and Regent Street district), under the superintendence of as many separate Commissioners. They were as follows :—

Commission.	Date of Commission at time of Supersedeas.	Number of Commissioners.
Westminster and part of Middlesex	Dec. 5, 1837	240
Holborn and Finsbury	Same date	150
Tower Hamlets	Same date	179
Poplar and Blackwall	Same date	67
Surrey and Kent......	Aug. 15, 1841	280
Greenwich	Nov. 13, 1839	116
St. Katherine	Dec. 5, 1838	33

Being a total of 1,065, exclusive of the Directors for the time being of the St. Katharine Docks Company. Amongst the names of the Commissioners were the Duke of Wellington, the Lord Chancellor, the Prime Minister, and other noblemen and gentlemen who could not attend to such matters. On the 30th November, 1847, the first six of the above Commissioners were superseded, and six new and distinct Commissions were issued, one for each district, but addressed to the same body of individuals, twenty-three in number. On the 4th of December, 1847, the St. Katharine Commission was superseded, and a new Commission was issued, appointing as Commissioners for that district the same twenty-three individuals who were named in the Commissions for the other six districts. The amount of debt due on November 30, 1847, when these Commissioners were appointed, was 64,133*l*. Besides these Commissioners, there were the Regent's Park and Regent Street districts, which were formed in 1824, under the provisions of statute 5 *Geo.* IV. c. 100, out of portions of the contiguous districts, and had its own separate body of Commissioners appointed under that statute. The debts did not devolve upon the Metropolitan Commissioners of Sewers, but remained a peculiar charge upon the district itself, and have been paid by the districts liable. In the year 1848, the 11 & 12 *Vict.* c. 112, under which one Commission of Sewers was established for the whole metropolis, excepting the City, was passed, and was brought into operation on the 1st of January, 1849, by the issing of the first Metropolitan Commission of Sewers. Since that time five Commissions have been appointed, and the debts have constantly increased. At the time the first was appointed the debt was 63,489*l.*—

Commission.	Date of Commission.	No. of Commissioners.	Debt at Date of expiration of Commission.
			£ *s. d*
1st Metropolitan	Jan. 1, 1849	34	
They in-	creased the	debt to	659,973 0 0
2nd Metropolitan	Oct. 8, 1849	13	74,700 0 0
3rd Metropolitan	Oct. 6, 1851	11	79,938 5 6
4th Metropolitan	July 20, 1852	14	297,074 6 4
Renewed on	July 20, 1854		
5th Metropolitan	Nov. 22, 1854	16	587,074 6 4

The number of Commissioners here given are exclusive of the Lord Mayor for the time being, and for other members chosen by the City of London, who are summoned only on matters affecting the City. Since the issuing of the present Commission, the amount of debt has been increased by a new loan of 140,000*l.*, and a contract has also been entered into for a further loan of 150,000*l.*, in pursuance of powers given to the Commissioners by the Sewers Act of last Session, enabling them to charge the rates with an additional debt of 300,000*l.*, so that the debt now existing, and to which the ratepayers are liable, amounts to the great sum of 587,074*l.* 6*s.* 4*d.* Thus it will appear that since the year 1847 there have been no less than seven Commissions—the old Commission existing in that year, a new one in part of that year, and a third in January 1849, a fourth in October 1849, a fifth in October 1851, a sixth in July 1852, and a seventh in November 1854, and that the debt now considerably exceeds half a million of money. The cost of the establishment was something extraordinary. In 1849 the cost of management was 28½ per cent on the amount of money received, and the following statement would show the actual receipts, amount of expenditure, and cost of management in the years 1849 and 1850:—

Receipts.	Expenditure.	Cost of Management.	Per cent.
	1849.		
£ *s. d.*	£ *s. d.*	£ *s. d.*	
71,623 13 10..	85,345 3 6..	22,400 17 5..	28½
	1850.		
91,070 6 11..	94,554 10 11..	21,104 17 0..	23

Since that period the amount levied by loans and taxation has been so great varying from 129,100*l.* in 1851 to 194,105*l.* in 1853; that the per centage of cost of management on the gross amount collected is less; but still the cost of management was in 1851, 16,430*l.*; in 1852, 14,551*l.*; and in 1853, 17,386*l.*

The Commissioners have attempted only one great work—the Victoria Sewer. The estimate of which was 28,854*l.*, and the cost, so far as can be ascertained, 41,472*l.*; but this, it is said, falls far short of the full amount. The time for completing the contract expired in March 1854, and the accounts have not yet been rendered. He proposed to supersede the Commission and place the whole under a different control.

He had now stated generally the way in which the metropolis was managed, and now the difficulty arose how the question was to be dealt with. Various plans had been proposed. One plan was to convert the whole metropolis into one general municipality, but the extraordinary magnitude of the metropolis rendered such a measure obviously inadequate, and the objections to it were well stated in the report of the City Corporation Commission. They said—

> "London, taken in its full extent, is (as it has with literal truth been called) a province covered with houses; its diameter from north to south and from east to west is so great that the persons living at its farthest extremities have few interests in common; its area is so large that each inhabitant is, in general, acquainted only with his own quarter, and has no minute knowledge of other parts of the town.
>
> "Hence the two first conditions for municipal government, minute local knowledge and community of interests, would be wanting, if the whole of London were, by an extension of the present boundaries of the City, placed under a single municipal corporation. The enormous numbers of the population, and the vast magnitude of the interests which would be under the care of the municipal body, would likewise render its administration a work of great difficulty.
>
> "And these considerations appear to us decisive against the expediency of placing the whole

of the metropolis under a single municipal corporation, without adverting to those more general questions of public policy which naturally suggest themselves in connection with the subject."

Another suggestion was that there should be charters of incorporation granted to the present boroughs. He thought the greatest inconvenience would arise from that. The Tower Hamlets contained 550,000 inhabitants; Finsbury, 330,000; Marylebone, about 400,000. They were too large, and would probably be larger, and they must not legislate merely for the present, but for some time to come. Moreover, they would be imposing on the inhabitants of London that to which they were apparently much disinclined, in imposing on them municipal corporations, with the necessarily expensive staff of mayors, aldermen, and councillors. He remembered accompanying a deputation to Sir George Grey in 1851, upon the then condition of the metropolis, when his right hon. Friend intimated to the deputation, that if they desired to have corporations he would be ready to consider any memorial that might be presented to him, provided it was signed by the greater portion of the inhabitants of any borough; but no response has been made. There was a third plan which was suggested by the Commissioners, which he proposed to adopt. It was put forward in these words—

> "We see no reason why the benefit of municipal institutions should not be extended to the rest of the metropolis by its division into municipal districts, each possessing a municipal government of its own. What the form of this government should be, and what should be the number or extent of the districts, are questions not lying within the scope of our commission, and upon which we are not competent to express any opinion. We may be permitted here to remark, that the power of petition to the Crown for the grant of a municipal corporation given to Parliamentary boroughs by the Municipal Corporations Act, and by the Act of 1 *Vict.* c. 78, does not appear to us to be practically applicable to the metropolis. In order that a proper distribution of the metropolis into municipal districts should be effected, it would be necessary to take a connected view of its different parts and to arrange the boundaries and size of each district with reference to the other districts. Without such mutual adjustments, a proper combination of districts would be impossible, and such adjustments could not be made if charters were granted singly to Parliamentary boroughs. If a distribution of the metropolis into municipal districts is to be made, it ought, as it seems to us, to be made simultaneously, and with due consideration of the manner in which the interests of each part are affected by the general plan."

He (Sir B. Hall) would adopt this recommendation, which was, that the metropolis should be divided into municipal districts. In so doing, a connected view of the different parts could be taken, and the boundaries of each district made in reference to the other districts. He proposed to carry out these propositions without creating corporations. He proposed that ecclesiastical boundaries should not be interfered with, neither should he interfere with the poor law, nor with any power that the Poor Law Board might have. He had stated already that he proposed to take the Registrar General's district for the metropolis. There were thirty-six districts, with the exception of the City of London, which he did not propose to include, because another Bill would be brought in having reference to the City, and to the reform of the Corporation. The Bill would, in the first place, extend the provisions of Hobhouse's Act to all the parishes comprised within the Registrar General's district. There were two classes of parishes in the metropolis. The one he would call parishes sole, as not being in union; the other, he would call united parishes, being in union. There were twenty-one of these single parishes, having a population of 1,456,363. The vestry of these parishes would be elected under the provisions of the Act he had referred to, and he proposed that the vestry that should be so elected should be the local board, instead of having a separate board, which would be superfluous, as if there was a second board, it must necessarily be elected in the same or somewhat similar manner. These twenty-one boards would represent an average population of 69,350 persons. He then came to the parishes in union, of which there were fifty-six comprised in fourteen unions, containing a population of 775,507 persons; and he proposed that parishes in union should send to the district board a certain number of representatives, arranged according to their population. These union boards will represent, on an average, one board for 55,460 persons. The district board, thus created, whether as a parish sole or a group of parishes in union, would have the power of paving, lighting, and cleansing their respective districts, as would also the local boards to which he had referred. The local sewers of these different localties would be placed under the control of the different local boards. Representations were made to him that it would be utterly impossible for one board to manage the sewers of the metropolis, and he had placed them under local boards. These boards would have the power and duties of local boards of health, so far as related to the prevention and removal of nuisances. The rates, which would include the amount to be paid by the district board to a metropolitan board, to which he would presently refer, would, to save expense, be all collected by the collector of the poor rate. The rates for paving and lighting would be borne by the occupier, and where not otherwise provided for by lease or agreement, the sewers rate would be paid by the owner, as at present. In many of the parishes, and parts of parishes, there were heavy debts, and as regarded all such liabilities, he should provide that these debts should remain strictly chargeable on the places where they were created, and that they should be paid off, principal and interest, in fifty years, unless otherwise provided for. It was obviously necessary that while they provided for the local works being done by the local boards, there should be some general board for those works which must be considered of a general and not of a local character. Respecting this, the following suggestion had been made by the Commissioners—

> "We suggest the creation of a Metropolitan Board of Works, to be composed of a very limited number of members deputed to it from the council of each metropolitan municipal body, including the corporation of the City. We propose that the management of public works, in which the metropolis has a common interest, should be conducted by this body. At present works of this sort can only be undertaken either by the corporation of London, from its own peculiar funds or under powers created for the purpose by special legislation, or by the Executive Government out of Parliamentary grants. It is manifest that a power of executing public works of general metropolitan importance, such as the construction of bridges over the Thames, or the opening or widening of main lines of street, accompanied by a power of metropolitan taxation, would, though founded on a basis of popular election, require efficient safeguards for its prudent and useful exercise. We therefore, think that the plans of the works to be executed should be submitted to a committee of the Privy Council, and its consent obtained before they are carried into effect. We may add that cases may arise where public works may be executed in the metropolis partly out of the metropolitan fund and partly from Parliamentary grants, and that in these cases a control of the Executive Government such as we have proposed would be indispensable. The Commissioners recommend in their 29th suggestion, that in the event of a division of the metropolis into municipal districts being made, a metropolitan board of works be created, composed of members deputed to it from the council of each metropolitan municipal body, including the common council of the City."

He proposed that this board should consist of forty-two elected members, two to be elected by the corporation of the City of London, and the remainder by the districts which would be found in the schedule attached to the Act. The chairman would make forty-three, and persons would be eligible, whether belonging to the district board or not. One-third would go out annually, and will be eligible for re-election. With respect to the chairman, he proposed that the members of the Metropolitan Board of Works should select three names, not necessarily from their own body, or or from any district board, but that they should have power to select from the whole length and breadth of the kingdom three persons, any one of whom would be fit and proper to occupy the high office he would be called upon to fill, and thoroughly qualified to discharge the important functions attendant upon it. These names should be sent to the Secretary of State, and the latter should erase two, the remaining one to be the President of the Metropolitan Board of Works. He proposed that the chairman should be paid a salary of not less than 1,500*l.*, and not more than 2,000*l.* a year, and that he should hold office during good behaviour. This body would have power to levy rates for improvements, and also, when necessary, to take land out of their district for the purpose of outfall works, as at present it was not possible to carry out the drainage of the metropolis, because there was no power to make the arterial drains beyond a certain limit. This board would have power to make intercepting sewers for the purification of the Thames, and would be empowered to borrow money from the Treasury, to be repaid within fifty years. Also he proposed to alter the arrangement which divided a street into two districts. He did not interfere with the metropolitan police or magistrates; and, as he had before stated, the City of London was excluded from the Bill. A new Bill would, however, be introduced, transferring the coal duties to the metropolitan board. He had already said that the vestries of parishes were to be elected under the provisions of 1 & 2 *Will.* IV. c. 60; but there was one great inconvenience existing under that Act. Unless a parish was divided strictly according to law into ecclesiastical districts, there could be only one polling place in the whole parish for vestrymen. This was much and most properly complained of. In St. Pancras, for example, there were about 10,000 persons entitled to vote for Members of Parliament, and there were four polling places; but there were about 20,000 persons qualified to vote for vestrymen, and they had only one polling place. The same inconvenience was felt in many other parishes, such as Islington, Lambeth, and others, where the ratepayers had now to travel a long distance to the polling place. If, therefore, the Bill should proceed, he would introduce a short Bill to amend the vestries in this particular. The Bill as it stood would give power to the local boards to put sewers in every street, and to give facility for draining the houses; and, lastly, he should give powers for constructing the great intercepting sewers, so as to save the pollution of the Thames. He did not suppose he should be able to make the river the clear stream it was in Queen Elizabeth's time, when the Spanish Ambassador spoke of the noble river with its 200 swans swimming near the Tower; but he hoped at least that he should see it cease to be the *cloaca maxima* of this great city. The next question to be considered was the supply of water. This was perhaps paramount, or at all events equal, to all others. Under the Act of 1852 an arrangement was made with the water companies, whether wisely or otherwise he would not stop now to argue, by which they were allowed till August next to obtain a fresh supply and to perform certain works. He could not, of course, interfere with the compact which Parliament had made with the water companies, but he proposed in August, 1855, to appoint a Commission to inquire whether the companies had fulfilled their part of the compact, and whether the supply of water was sufficient as to quantity, and good as to quality, and to report generally on the subject. Having apologised for the length at which he had troubled the House, the right hon. Baronet concluded by stating that, if permitted to introduce the Bill, he should fix the second reading for the 16th of April, thus giving a clear month for its perusal by hon. Members. He hoped that those hon. Members, and others who took an interest in the metropolis, would be so good as to favour him with any suggestions they might desire to make, with a view to perfect the measure; and it would afford him great pleasure to consider them, and to adopt them, provided they were not inconsistent with the provisions of the Bill, which was based upon the priciple of local self-government.

Motion made and Question proposed, "That leave be given to bring in a Bill for the better Local Management of the Metropolis."

MR. FITZROY said, he could not allow this Bill to pass even its primary stage without making a few observations—first, as to the manner in which the Bill had been introduced, and, secondly, as to the important features contained in it. He must be allowed to say, notwithstanding his respect for the right hon. Baronet, that a Bill of such importance—involving changes affecting great interests and containing such novel principles—should have been introduced by a Member of the Cabinet more immediately connected with the internal government of the country, who would give to the Bill the weight of his authority. Considering the acknowledged ability of the right hon. Gentleman the present Secretary for the Home Department, and the laborious and sedulous manner in which he performed the duties of his office, it would have been more becoming, he conceived, that this important measure should have been introduced by him rather than by a Member in the position of the right hon. Baronet, who had also no particular connection with the subject he had brought under the consideration of the House. He had to complain also that no inquiry had been made so as to furnish the requisite information on the subject of this Bill, and if he had any doubt as to the inadequate information on which the Bill had been introduced, he had but to look to the speech of the right hon. Baronet, who had stated that his information had only been derived from imperfect returns made in answer to his own inquiries. He (Mr. Fitzroy) had seen some of the right hon. Baronet's information, and he must be allowed to say that it had been contradicted on several occasions, and would in a few days be again more fully controverted. He knew no precedent for introducing such a change as proposed by this Bill without allowing Parliament to obtain information in a clear manner, to which it might refer with certainty. They had, in the reformation they proposed to effect in the City of London, taken the statesmanlike course of issuing a Commission which consisted of men well known and of great experience, who, after sitting for many days, inquiring into the circumstances of the corporation of the City, had presented a Report, on which was founded the Bill shortly to be brought before the House. The Bill proposed to deal with nineteen-twentieths of the metropolis in this imperfect manner. One-twentieth had been dealt with, as he had just mentioned, in the proper course, by issuing a Commission, the weight of whose names would give authority to the recommendations which they presented to the House. On what principle could it be said that they were acting, when they dealt with only one-twentieth of the metropolis in this way, whilst nineteen-twentieths were treated in so hasty a manner? It was impossible to offer an opinion on the merits of the present Bill before the Bill affecting the City corporation was presented, as they could not determine till then whether the two Bills might not clash. The state of the metropolis might be as had been stated, but the House ought to have accurate information as to this, and a Commission ought to be issued, or, at all events, the subject should be referred to a Committee. He hoped some Member of the Government would state whether this Bill had been considered by the Cabinet, and whether it was introduced as a Cabinet measure. He would not follow the right hon. Baronet through all his details, as ample opportunity would be afforded for their discussion; but there had been one principle introduced into the Bill so startling, so perfectly new and unprecedented, that they should ask the House to consider it well before it sanctioned such a proposition as that of placing the sewerage under the direction of parochial delegates—men who would not be qualified for the office by any engineering knowledge, and as to whose ability no test was to be applied. He had looked through all the debates in 1848–9, 1851–2, and in last year, on the different measures respecting the Commission of Sewers, but he could not find that the strongest advocate for local self-government had recommended the adoption of that principle to the sewerage. Mr. Wakley, who was as firm an advocate of local self-government as the right hon. Baronet, had said with respect to a Sewerage Bill under the consideration of the House in 1851, that he recommended concentration of authority, but he had never hinted at placing it in the hands of the ratepayers. The sole control the right hon. Baronet attempted to place over these delegates—and he had treated this part of the question very gingerly and delicately—was through a chairman, to be selected from three names submitted to the Secretary of State; but what control could such a chairman have over such an incongruous body as these parochial delegates? With regard to the Sewerage Commissioners, their powers had been so restricted that it had been impossible for them to carry out the large drainage works which they had deemed necessary. It was the opinion of Lord Carlisle that the important work was best placed in the hands of a Commission. The proposition that works of such vast proportions should be left to be carried out by persons over whom there was no control appeared to him so startling that he could not believe that the House would entertain it. He had some knowledge of vestry affairs, and he could say that, in the large parish with which he was connected, if the sewerage were thrown upon the vestry they would have no means of carrying out the work efficiently. The right hon. Baronet (Sir B. Hall) had referred to the inconvenience of meeting conflicting jurisdictions on the surface of the same street, but how much greater would be the inconvenience of such a meeting in the sewers of a parish? Would the House, after long experience of the matter, and after the startling statements of the right hon. Baronet as to the effect of bad sewage upon the public health, consent again to consign the whole subject to an eternal chaos? And that certainly would be the effect of the proposed Bill. The only responsibility incurred by the persons who would have the charge of these important works would be that of meeting their constituents every three years. He did not think the Bill would bear investigation, and what appeared to him strange was, that it should be countenanced by the noble Lord at the head of the Government, who had hitherto professed to feel so much interest in the question, and who, in the Bill which he brought forward last year, proposed that Government should have a certain share in the nomination of persons to serve on the Commission of Sewers. If the Bill really proposed to vest the management of such important works in the hands of persons without responsibility, he should offer to it the most strenuous opposition.

Mr. LABOUCHERE said, he would not have thought it necessary to trouble the House with any observations but for the speech of the hon. Gentleman who had just sat down, and which, he thought, was calculated to raise a very unjust prejudice against the Bill which was now before the House. It was true that the question of the local government of the metropolis had come incidentally before the Commission upon which he had the honour of serving, and it appeared to that Commission that the abuses of the present system should be reformed. He felt bound to state that the present Bill appeared to him to be founded upon the principle of reform laid down by the Commissioners, and nothing which had fallen from the hon. Gentleman who last addressed the House had shaken his opinion that the principle of local self-government by a body elected by the ratepayers—a principle which had been found to work well in other towns—should, with certain variations, be applied to the metropolis. The hon. Gentleman said that the House would be acting upon imperfect information, but he would refer him to the evidence given before the Corporation Commission, and if he turned to the evidence concerning the parish of St. Pancras he would see the absurd consequences of the variety of jurisdiction; he would see that the present system gave rise to nothing but jobbing, mismanagement, and confusion. No doubt the parish of St. Pancras was one of the strongest instances, but the same kind of thing existed throughout the metropolis. Such a state of things could not be allowed to continue, although, at the same time, he willingly admitted that the Bill was of so much importance that the whole of its details would require the most careful attention of the House. He was prepared to give his assent to the general principle involved in the Bill, but he considered himself perfectly free to consider the details of it, and more especially that most difficult part of it which had reference to the sewage question. The main question, however, appeared to him to be whether or not it was expedient to substitute for the system of irresponsibility, of jobbing, and mismanagement which now existed in the metropolis, a simple uniform system which had been found to work well elsewhere. He thought the Government deserved great credit for introducing this Bill, and the thanks of the House were especially due to the right hon. Baronet (Sir B. Hall) for the great attention he had paid to the subject. He wished also to point out that in 1862 the coal duties would expire, and as it was not at all probable that they would be reimposed, where, he would ask the House, were funds for improvement to come from unless from a direct improvement rate? Such a rate, however, could not be levied but by a body in which the inhabitants had confidence. He had felt it to be his duty to bear his testimony to what he believed to be an important principle of a Bill which he believed might, by careful consideration, be made one of the most valuable measures of the age.

Viscount EBRINGTON said, that while agreeing with his right hon. Friend and colleague (Sir B. Hall) as to the evils arising from the anarchical and anomalous state in which the Government of the metropolis was left, differed from him as to the value of the remedy now proposed. The Bill proposed to divide the metropolis into thirty-six districts, to be apportioned according to the existing artificial boundaries, irrespective of the levels and natural distribution of the area, which had hitherto been always more or less regarded in legislation on this subject. A quarter of a million of money had been expended, because man's artificial divisions had been followed in preference to those of nature in respect to the line of sewerage in one of the largest districts of London; and it was to be feared that those local jealousies and conflicting interests which had so unhappily prevailed in the seven existing divisions of the metropolis would be multiplied thirty-six times by this measure. They would also have thirty-six separate sets of officers, who were likely to be both underskilled and overpaid. Moreover, the sewer-rate was a landlord's tax, and yet the whole power of deciding upon work, effecting the property of the long leaseholders and landlords of the metropolis, was to be confined to the temporary ratepayers; so that the Bill would create this anomaly, that London would be the sole place in England where the only persons excluded from the control of the expenditure would be those who had to defray it. But, further, there was a danger that the proposed local Parliament of forty-two Members would discuss politics instead of sewerage questions, and threaten to overshadow the authority of the Speaker and that of the Imperial Parliament.

Viscount PALMERSTON: I hope the House, Sir, will not be alarmed at the danger shadowed out by my noble Friend, that either you, Sir, will be dispossessed of the chair which you now occupy, or that the authority of this House will be imperilled by the encroaching spirit of the local Parliament now proposed to be created. Still less do I fear that the House will be deterred from granting leave for the introduction of this Bill through the disapprobation that has been expressed by my hon. Friend the Member for Lewes (Mr. Fitzroy). That hon. Gentleman found fault because the President of the Board of Health had been selected to bring in this very important and valuable measure. Now, the facts of the case are these: my right hon. Friend (Sir B. Hall) having more local knowledge on the subject to which this Bill applies than anybody else that I am acquainted with, communicated with me in the course of the last autumn, and submitted plans that he had prepared with regard to it; and as he, with great ability and industry, completed arrangements which appeared to the Government well adapted for the purposes they contemplated, it was thought that it would be very unjust to my right hon. Friend that he should not be the person to bring this measure before the House. And nobody is more cognisant of every part of the proceedings which led to the framing of the measure which is now under our notice than my hon. Friend the Member for Lewes. I quite agree with my right hon. Friend near me (Mr. Labouchere) that the principle of self-government which obtains in Parliament has been found most congenial with the feelings and habits of the people of this country. I am under no apprehension that the sewerage of the different metropolitan districts will be mismanaged by the local bodies to which it will be confided. Everybody who has at all looked into this matter must be perfectly aware that it is impossible for the general Commissioners of Sewers to direct simultaneously the arterial drainage of the metropolis, and apply their attention properly to the defects of the branch sewerage of every separate district. It has long been found that, while one central body ought to be entrusted with the superintendence of the general arrangements of the arterial drainage, other local bodies should be charged with the maintenance and repair of the sewers in their respective districts; and, in my opinion, the measure of my right hon. Friend will sufficiently accomplish both of those important objects. I will not detain the House by repeating the very cogent reasons which my right hon. Friend has assigned for the necessity of this Bill, or the illustration he has given of the advantages it will secure. I will only say that, instead of its being calculated to create chaos, I think it will dispel it, and substitute for the extreme confusion which now prevails a system of order and regularity, from which the metropolis will derive great benefit.

Mr. STUART WORTLEY said, he believed that the corporation of London would cordially co-operate in the promotion of the objects which this Bill was designed to advance; but, looking to the great importance of the City of London, and the vast concentration of wealth within its limits, he must contend that it was entitled to a larger share of the representation in the council than the Bill of the right hon. Baronet proposed to give. The sewerage of the City of London was at present solely in the hands of the corporation, and he understood the management of that sewerage was to be left in the hands in which it at present was, and which were universally admitted to be very efficient. He understood it was proposed that the managing body for the whole metropolis was to consist of forty-two members. The City of London—not the corporation—was to be represented on that Board by only two members, who were to be members of the corporation. These numbers were calculated, he was given to understand, on the principle of population, but to give to the City of London no greater a proportion than as two to forty-two was to take a very narrow view of its importance. The right hon. Gentleman (Mr. Labouchere) had stated that the coal tax expired in 1862, and that he thought it very doubtful whether the Legislature would ever consent to its renewal. Now, there was a great delusion in the public mind with regard to this tax. The general impression was that the whole of it was taken by the City of London, but that was not the case. The coal tax consisted of 1*s.* 1*d.* in the ton, 9*d.* of which went to the Board of Works; and if the right hon. Gentleman who presided over that Board was prepared either in 1862, or at any earlier period, to take such a step, there could be no objection to hand over this 9*d.* to the proposed central board for the improvement of the metropolis. This tax of 9*d.* in the ton was the creation of modern statutes, but with respect to the other 4*d.*, which went to the corporation, and which had been chiefly mortgaged to carry out improvements not wholly, but mainly within the limits of the City, that was not levied under modern statutes, but was an ancient right and possession, which, in 1862, would revive in the corporation under their old charters. This portion of the tax, therefore, would have to be dealt with in a different manner from that levied under the modern statutes, and he must protest against the supposition that, without some special arrangement entered into for that purpose, they could at once transfer this 4*d.* per ton, which, in 1862, would still remain the property of the corporation of London, to the central board in the way proposed by the right hon. Gentleman. At the same time, in order to carry out the improvements required in the metropolis, the corporation would be anxious to make every reasonable concession.

SIR BENJAMIN HALL said, he was much obliged for the promise of assistance given by the right hon. and learned Gentleman. The proper time for discussing the coal tax would be when the Bill was under discussion. He proposed that district sewers within the City of London should not be interfered with in any way, directly or indirectly, by any local or metropolitan board, but that they should remain under precisely the same control as at present. He could not conceive that anything could be better managed than was the sewerage of the City of London, and his hope and belief was that persons would be found to manage the sewerage of the other districts of the metropolis equally well with that in the City. With regard to the statement of the right hon. and learned Gentleman (Mr. Stuart Wortley), that the corporation was not sufficiently represented by two members in the proposed Board, he would state that he had calculated that representation on the basis both of population and of value, but that was a matter quite open for further consideration.

Question put, and *agreed to.*

Leave *given.*

Bill *ordered* to be brought in by Sir Benjamin Hall, Sir George Grey, and Sir William Molesworth.

PUBLIC HEALTH, ETC., BILLS.

MR. APSLEY PELLATT said, he would now beg to move the Instruction of which he had given notice.

Motion made, and Question proposed—

> "That it be an Instruction to the Committee to whom the Public Health and Nuisances Removal Amendment Bills are referred, to hear Counsel on behalf of such Petitioners as have prayed to be heard by Counsel."

MR. MUNTZ said, he had an Amendment to move to the Instruction of the hon. Member for Southwark, which he hoped the House would agree to.

Amendment proposed, to leave out from the word "referred" to the end of the Question, in order to add the words "to hear two Counsel upon each class of Petitions praying to be heard by Counsel."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. T. GREENE said, he should oppose both the Motion and the Amendment. The Committee would act with entire impartiality, and hear all the evidence that could be brought forward on both sides, and he therefore trusted the House would not agree to either proposal, as the appearance of counsel would only have the effect of lengthening their proceedings to an indefinite extent, and would do no good.

MR. SPOONER said, he should support the Amendment, because the Bill meddled in a most extraordinary way with very great interests, who ought to be heard before it came out of the Committee. He suggested that the original Motion should be withdrawn. The Amendment would be sufficient to quiet the doubts and fears of parties out of doors with regard to the Bill.

Amendment and Motion, by leave, *withdrawn.*

Motion made, and Question put—

> "That it be an Instruction to the Committee to whom the Public Health Bill, and Nuisances Removal Amendment Bill, are referred, to hear two Counsel upon each class of Petitions praying to be heard by Counsel."

The House *divided:*—Ayes 18; Noes 48: Majority 30.

The House adjourned at half-past One o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, March 19, 1855.

MINUTES.] *Took the Oaths.*—The Earl of Portarlington.

PUBLIC BILLS.—2ª Despatch of Business, Court of Chancery.

Reported—Commons Inclosure.

RECALL OF THE EARL OF LUCAN—REPORT OF THE BATTLE OF BALAKLAVA.

Copy of a Letter from Major General The Earl of Lucan (dated 5th March, 1855), to the Adjutant General, repeating his Application for a Court-martial on his Conduct on the Day of the Action of Balaklava on the 25th October last; and the Adjutant General's Answer to Major General The Earl of Lucan, dated 12th March 1855—Laid before the House (pursuant to Address of Monday last).

THE EARL OF LUCAN:* I rise, my Lords, in pursuance of notice, to move for a copy of Lord Raglan's report of the Battle of Balaklava. I consider it due to your Lordships and to myself not to forego this, the first opportunity which has occurred to me, to make a statement of what was my conduct on the day of that battle, and at the same time to show what has happened since in reference to it. Up to the present moment I have most scrupulously abstained from saying one word in this House upon this subject in my own vindication, however prejudicial to me such silence was likely to be, as it has proved. Having applied for a court martial, considering such a court the most competent from its composition to entertain and dispose satisfactorily of charges of so exclusively a professional character, as long as I could hope to have such a tribunal I considered it best became me to be silent in this House; but my applications for such a trial, however earnestly made, have been as resolutely refused. I have, therefore, I feel, no other course open to me than to present myself before your Lordships, confidently hoping that you will kindly indulge me with your attention, and give to my statement a fair and impartial consideration.

I am assured that a military investigation has been so refused, on the ground of there being no precedent. My Lords, I believe that it is equally unprecedented that an officer of high rank should be summarily recalled from an army in the field, and that charges should for the first time, at the end of four months, be brought against him (he being left in the meantime in the command of his division) without his being allowed an opportunity of meeting and refuting them. When I seek to clear my character by a statement here, this House is warned by the Minister of War not to allow itself to be made an arena for the discussion of military discipline, and your Lordships are told to be cautious not to trench on the prerogative. There is no noble Peer in this House more inclined than myself to respect the prerogative. I freely admit that Her Majesty has, and should have, the power to call to and recall from the army any officer she shall think fit. But, I tell the Minister of War, that where he, as the adviser of the Crown, advises the exercise of the prerogative, he must not allow himself to found a recall on charges professionally disparaging and disgraceful without giving the party an opportunity of denying them. As, in the case of a private individual, any one of your Lordships might dismiss from your employment any person you thought fit, but you would not be allowed to make charges of a disgraceful nature against him without his having the opportunity of disproving them. I cannot suppose that in this House, however much your Lordships may be disposed to respect precedent, or however much your Lordships may be again disposed to hold the prerogative sacred, you will prefer either precedent or prerogative to justice.

It will be necessary, I fear, to trouble your Lordships at some length, and in the statement I am about to make it shall be my endeavour, as it is my wish, whilst exculpating myself, not to inculpate others. It is my wish to make my statement as clear as possible, and to do so I shall have to take your Lordships to the Battle of Balaklava.

At about eleven o'clock of the 24th of October that excellent soldier, Sir Colin Campbell, I cannot allow myself to mention in this House the name of that officer with whom I was acting in concert for four months without stating that a more gallant or useful soldier there is not in the army, informed me that a spy had come in, and that he wished me to see him. Having examined this spy together, we considered his news so important that Sir Colin Campbell at once wrote a report to Lord Raglan, and I had it conveyed to his Lordship by my aide-de-camp, who happened on that day to be my son. The spy had stated that 20,000 infantry and 5,000 cavalry were marching against our position at Balaklava from the east and south-east. My aide-de-camp told me that he had delivered the letter to General Airey, who made no reply; and that he subsequently met Lord Raglan, who only said that if there was anything new it was to be reported to him.

It was the habit of the cavalry at this time to be always mounted an hour before daylight. I proceeded to fort No. 3 on the plan, a copy of which is in the hands of many of your Lordships. This was the extreme fort of the position. At dawn I perceived that heavy columns of infantry were advancing from the direction of the Tchernaya River and Kamara Range. I immediately placed my cavalry in position, and posted my horse-battery on the right of No. 3 fort. The Russians immediately opened fire, and attacked Nos. 1, 2, 3, and 4 forts, occupied by Turks. No. 1 was only taken after a very respectable resistance. I am anxious to say so, because I consider that they got less credit than they deserved. The other three were all evacuated, and with the forts the enemy took nine English guns.

After the evacuation of these forts by the Turks (having previously arranged with Sir Colin Campbell to do so), I threw my cavalry back to give his guns in position clear range, and took post in line facing to the east, between forts 4 and 5. My cavalry were then well placed to take in flank any Russian forces marching against Balaklava, when, to my great discomfiture, I received from Lord Raglan an order which I shall number 1. It was as follows—

> "Cavalry to take ground to left of second line of redoubts occupied by Turks."

This order was immediately obeyed, and the cavalry were placed *en masse* facing the north, looking into Inkerman valley. Very shortly after order No. 2 reached me, desiring that eight squadrons of heavy dragoons should move towards Balaklava to support the Turks, who were said to be wavering. The heavy dragoons had already proceeded some distance, when I perceived through the orchard that a body of Russian cavalry was coming over the hill. I rode at speed, and just succeeded in joining the leading squadrons of Greys and Enniskillen dragoons as they were rounding the orchard, and had only time to wheel them into line, and to order an immediate charge under General Scarlett. The enemy was advancing in a dense column, with their flanks protected by two wings; these, so soon as they found that they outflanked my four squadrons, wheeled about inwards and totally enveloped them; on which I attacked them with the 5th Dragoon Guards in the rear and in flank with the 4th Dragoon Guards, when the whole mass of the enemy, amounting to at least 3,500 men, was repulsed and routed by eight small squadrons of about 700 men—only one-fifth of their number.

I should do little justice to this gallant heavy brigade and their gallant general if I did not take this opportunity of stating how much I considered they had distinguished themselves. I believe there never was an action in which English cavalry distinguished themselves more, and I do not think that there is a disposition in this country to attribute sufficient importance to this heavy dragoon charge and to do it full justice. The French, than whom there are certainly no better soldiers, nor officers who more perfectly understand the art of war, do full justice to it, and pronounce it a brilliant feat of arms, and one adding lustre to our British cavalry. I know it has been imputed to me that I did not pursue the routed enemy with my light cavalry as I should have done. To this I will not allow myself to say any more than that they had been placed in a position by Lord Raglan, that they were altogether out of my reach, and that to me they were unavailable.

After this charge the cavalry were dismounted, and the wounded and prisoners were being removed, when an aide-de-camp of the Commander in Chief brought me order No. 3. I wish your Lordships to observe that the heavy cavalry were at this moment standing on the ground occupied by the Russian cavalry in the plan. No. 3 order was to this effect—

> "Cavalry to advance and take advantage of any opportunity to recover the heights. They will be supported by the infantry, which have been ordered. Advance on two fronts."

It is necessary here to observe that the copy given in Lord Raglan's letter of the 16th of December is incorrect, and materially so. In the original, which I hold in my hand, and which your Lordships can see, there is a full stop after the word "ordered," and the word "Advance" is written with a large A, therefore making two distinct sentences. In Lord Raglan's copy the two sentences are made one by the omission of the stop, and by a small a being substituted for a large one. Therefore, whilst in the original, the order was for the cavalry to advance, in the copy it applied to the infantry. I do not wish to impute anything to Lord Raglan on account of this difference, as it is possible that the error was in the copy with which I furnished his Lordship. The cavalry were in consequence immediately mounted, and moved to the positions in the centre valley and on the ridge, as shown in the plan. No infantry had at this time arrived from the heights of Sebastopol. I remained myself between my two brigades, anxiously waiting their arrival. When they did arrive, instead of being formed for an attack, or to support an attack, they were, the greater part of them, sitting or lying down with their arms piled.

From thirty to forty minutes had elapsed and the whole of the infantry had not arrived, when Captain Nolan galloped up to me with No. 4 order, in my opinion a fresh order, quite independent of any previous order, and having no connection with No. 3 or any other order. Indeed, I do positively affirm, that neither by my Lord Raglan, or General Airey, or any other person whatsoever, did I ever hear or suppose that any connection whatever existed, or was intended to exist, between this new order No. 4 and No. 3 the preceding one, or that they had the slightest reference to each other. No. 4 order is as follows—

> "Lord Raglan wishes the cavalry to advance rapidly to the front, follow the enemy, and try to prevent the enemy carrying away the guns. Troop of horse artillery may accompany. French cavalry is on your left. Immediate."

Your Lordships should be told, that when Lord Raglan gave this order, he was upon very high ground, and a quarter of a mile to my rear, from whence he could well see the whole position of the enemy; and you should be again told, that his Lordship at this time fancied, and he was not the only man who laboured under the same false impression (for I could produce half a dozen persons to testify to it), that the enemy were carrying away our guns from numbers 1, 2, and 3 redoubts, and therefore sent this order. I had, perhaps, better read from my letter to Lord Raglan of the 30th November how I acted on the receipt of number 4 order.

The extract is as follows—

> "After carefully reading this order, I hesitated and urged the uselessness of such an attack, and the dangers attending it. The aide-de-camp, in a most authoritative tone, stated that they were Lord Raglan's orders that the cavalry should attack immediately. I asked, 'Where, and what to do?' neither enemy nor guns being in sight. He replied in a most disrespectful but significant manner, pointing to the further end of the valley, 'There, my Lord, is your enemy; there are your guns!' So distinct, in my opinion, was your written instruction, and so positive and urgent were the orders delivered by the aide-de-camp, that I felt it was imperative on me to obey, and I informed Lord Cardigan that he was to advance, and to the objections he made, and in which I entirely agreed, I replied that the order was from your Lordship. Having decided, against my conviction, to make the movement, I did all in my power to render it as little perilous as possible. I formed the brigade in two lines, and led to its support two regiments of heavy cavalry, the Scots Grey and Royals, and only halted them when they had reached the point from which they could protect the retreat of the light cavalry in the event of their being pursued by the enemy, and when, having already lost many officers and men by the fire from the batteries and fort, any further advance would have exposed them to destruction."

My Lords, this I think is the time to show your Lordships what an aide-de-camp is. In page 59 of the Queen's Regulations, which cannot be violated with impunity, under the head of aides-de-camp, it is ordered, "all orders sent by aides-de-camp are to be delivered in the plainest terms, and are to be obeyed with the same readiness as if delivered personally by the general officers to whom such aides-de-camp are attached." I ask any military man, I ask the noble Duke near me (the Duke of Richmond), who was aide-de-camp to that great man, the late Duke of Wellington, whether an aide-de-camp is not the organ of his general? And whether a general officer who took upon himself to disobey an order brought by an aide-de-camp, verbal or written, would not risk the loss of his commission? If this were not so, why could not an orderly dragoon convey orders as well as an aide-de-camp? An aide-de-camp is chosen because he is an officer of education and intelligence, he is, therefore, supposed to deliver an order more correctly, and is considered as being in the confidence of his general. Shall I be told that Captain Nolan was not in General Airey's confidence? Why, he told me himself that he had given to Captain Nolan his instructions verbally, and it was only when that officer was turning his horse away, that he detained him, and committed the instructions to writing. I would ask any reasonable man, after this, whether any mistake was or could be committed by Captain Nolan? And how could I, at the time, or can now, doubt but that Captain Nolan was instructed to deliver to me the positive order to attack which he did?

My Lords, I must direct your attention to this. In the order it is stated, "French cavalry is on your left," evidently for the purpose of informing me where the French cavalry were, an admission that they were out of my sight if not out of my reach, and again informing me that it was a combined movement in which they were to join and assist me. I felt, ordered as I was to advance immediately without an opportunity of sending to ask for further instructions, that I could not fail to perform my part of this combined movement, and so leave the brunt of the affair to be borne by the French cavalry alone.

Under these circumstances my course was clear to me; and I considered it a positive duty to order Lord Cardigan to advance with the light cavalry brigade, and to lead the heavy cavalry brigade to its support.

Your Lordships are so well acquainted with the details of this charge, and so fully appreciate the extraordinary valour and gallantry displayed by the light cavalry on that occasion, and also the steadiness and bravery of the heavy brigade, more particularly the Scots Grey and Royals, the two regiments most exposed, that I would only add, that the brilliancy of the charge and the gallantry displayed by the whole of the cavalry, were never surpassed at any former period. Your Lordships should be told that the infantry, which I was informed was coming to support me, was composed of two divisions, the 1st commanded by His Royal Highness the Duke of Cambridge, and the 4th by an officer whose death the army and the country so much deplore, both my seniors, and therefore both my commanding officers. In the evening of the action, I saw Lord Raglan; his first remark to me was, "You have lost the light brigade." I at once denied that I had lost the light brigade, as I had only carried out the orders conveyed to me, written and verbal, by Captain Nolan. He then said that I was a lieutenant general, and should, therefore, have exercised my discretion, and not approving of the charge, should not have made it. He subsequently said that I had not moved sufficiently in advance in the previous movement; but he never attempted to show then, or has he ever allowed me to suppose since, until the present time, that he ever intended that No. 4 order was at all to be connected with the preceding order.

The day but one after the battle of Balaklava, General Airey called upon me in my tent. The moment he entered, I said, "General Airey, this is a most serious matter. You may depend upon it, it will create a great deal of talk and dissatisfaction at home." He replied, "These sort of things will happen in war; it is nothing to Chillianwallah." I said, "I know nothing about Chillianwallah; but I tell you, General Airey, that this is a most serious affair; and, what is more, I tell you that I do not intend to bear the smallest particle of responsibility. I gave the order to charge under what I considered a most imperious necessity, and I will not bear the blame." General Airey then tried to convince me that the order was not imperative; and after some conversation with him upon other matters, and when he was leaving my tent, I said to him, "Now be careful, General Airey, that no responsibility is placed upon me in this light cavalry affair, as I will not bear any." His reply was, "You may rest satisfied, Lord Lucan, you will be pleased with Lord Raglan's report."

Perhaps I had better here call your Lordships' attention to the fact, that throughout the whole of this conversation General Airey, though he had signed the two orders numbers 3 and 4, which I received from Lord Raglan, never gave me any reason whatever to suppose that there was any connection between the two. Had the last order had any reference to the preceding one, would he not naturally have said so? But he did no such thing on this the first occasion, nor has he ever on any subsequent occasion.

Now, my Lords, I could not anticipate that so much injustice would be done me by Lord Raglan; or, that all the injustice which I have experienced at home would have been done me. In my simplicity, I even omitted to send a copy of the order to England for my justification before my friends and the public,—who, let me observe, do not appear always to deal very fairly with the absent. There is a French saying—"*Que les absens ont toujours tort:*" it would, perhaps, be more properly said,—"*Que ceux qui se taisent ont toujours tort.*" I did nothing until Lord Raglan's report of the battle of Balaklava reached the Crimea on the 28th November. The mention made that I had acted under a misconception of orders, from its injustice as I felt, exceedingly hurt and grieved me. Articles in newspapers, and letters from my friends, calling for explanations, impressed upon me the necessity of a public explanation of my conduct and of facts. I, in consequence, on the following day after the arrival of the mail, called upon Lord Burghersh. I said to him,—"I come to you more as the nephew of Lord Raglan than as his aide-de-camp, as it is my wish to make a communication to his Lordship, and I do not wish to give him the least pain or offence." I expatiated at some length on Lord Raglan's charging me with a misconception of orders, and said that the British public, as shown by the newspapers, and my friends in their letters, were calling upon me for a justification, which I could not withhold. I then asked Lord Burghersh to propose to Lord Raglan to receive me, that I might talk over with him in a friendly way, how I might act to do myself justice in a manner the least annoying and offensive to him. Lord Burghersh called on me the next day, and said, that if I desired it, Lord Raglan would, of course, see me; but that he was very much engaged with writing. I replied—

> "I can believe that Lord Raglan would rather not have any conversation with me on this subject, and having thought the matter over, it has occurred to me that it would not be objectionable to Lord Raglan if I were to write a letter to him explaining facts, and to request him to send it to England, there to receive the same publicity as his report."

Lord Burghersh brightened up, and said—

> "Lord Raglan can have no objection to that, if that is all you require. From what fell from you yesterday, I thought you would require more."

I answered—

> "I require nothing more on earth than that the English public should know the facts of the case."

And I added—

> "If in my letter there should be anything offensive or displeasing to Lord Raglan, if he will be good enough to point it out, I shall have much pleasure in altering it."

Now, my Lords, I don't think that this was an unfriendly or a disrespectful communication to make to my Commander in Chief. I wrote the letter that very night, as the post was leaving on the 1st or 2nd of December. I had it delivered early next morning, and really believed that it had been sent by that post; when, on the 4th of December, General Airey's aide-de-camp called upon me, as he said, to talk to me about the hutting of the cavalry, and concluded with the expression of a wish that I would call upon General Airey, who was ill, to talk upon the subject. I did so the following day. General Airey, after talking to me in a rambling manner about the hutting of the cavalry, produced my letter, and said—

> "The real object of my wishing to see you is with respect to this letter."

I replied—

> "That letter! I believed it to have been half way on its road to England by this time."

He said—

> "No, Lord Raglan thinks that the letter is very unnecessary. You have received the thanks of Her Majesty, and the thanks of the Minister of War (printed copies of which he held in his hand); surely you ought to be satisfied."

I answered—

> "General Airey, I don't know why I am to be so particularly grateful. I think that both Her Majesty and the Minister of War have said quite as much as Lord Raglan's report would have warranted; but if you put the question to me, whether I am charmed with this report of Lord Raglan, I say, I think that his Lordship was exceedingly scanty in my praise. I wanted nothing more than justice; but when I recollect, that with seven hundred men I routed three or four thousand, and under the most disadvantageous circumstances repelled their attack, I do not see in that report anything with which to be much enamoured. I have only touched upon this subject in consequence of your having broached it, as, had you not done so, I never should have expressed my dissatisfaction to yourself or any soul living."

General Airey said—

> "Lord Raglan is very much annoyed by this letter, and declares that no power on earth shall induce him to change his report."

I replied—

> "I have not the least wish that he should change his report, nor have I in my letter expressed such a wish. It would, I consider, be unreasonable in me to ask him to do so; for I cannot but suppose that he made that report, believing it to be true. I have no right, therefore, to ask him to change it. I only ask him to carry out what I understood to be agreed upon, namely, that my statement of facts should be sent to England."

General Airey, no very unskilful diplomatist, then thought he would take a higher tone, and resort to menace. He said—

> "Lord Raglan will be so much annoyed that he will send to England for another general officer to command the cavalry."

I replied, that I should much regret it, but that I could not help it. Further, that my letter had been written by agreement with Lord Burghersh, and that in that letter Lord Raglan was not asked to change his report.

Upon that General Airey again altogether altered his tone, saying—

> "Oh! if you don't ask Lord Raglan to change his report, he can have no objection, I should think, to forward your statement."

And upon this we parted. On the 9th of the month, General Airey wrote to me, saying that Lord Raglan wished very much that I should have some conversation with him (General Airey). I went to him immediately. He began, with my letter in his hand, saying—

> "Lord Raglan does not like this letter at all; he says that you have charged him with injustice, and he cannot allow any officer in the army to say such a thing of him."

I replied—

> "I did not know that I had, and asked him to point it out to me."

After beating about for some time, he put his finger on the word "unmerited." I said that really I considered that a very strained construction to put upon that word; moreover, that I had proposed to Lord Burghersh to remove or change anything that might be displeasing to Lord Raglan, and, that after ten days it was strange he should then make such an objection. General Airey, again, as on the former occasion, adopted the fortiter, and said that Lord Raglan was dissatisfied with the state of the cavalry. I said that I was not satisfied with it myself, but begged to know whether I was to consider this as the opinion of the Commander in Chief, communicated to me by the Quartermaster General of the army? And also, whether I was to consider that his Lordship was dissatisfied with me as their commander? He denied having intended to say this, and an angry discussion ensued, after which he reverted to the suaviter, and said—

> "As you have expressed your readiness to Lord Burghersh to remove or alter anything Lord Raglan might dislike in the letter, and as he has not expressed any wish that you should do so, he cannot now object to forward it."

We then parted with the understanding, as I conceived, that the difficulty about the word "unmerited" was explained away, and that my statement was to go. My Lords, I heard no more of this letter, and supposed it had gone to England by the next post. It does not, however, appear to have been forwarded till the 18th of December, but to have been detained those eighteen days in Lord Raglan's possession.

I must here observe that there has been nothing approaching to a quarrel between myself and Lord Raglan, and that all our communications were as friendly since, as they had been previously, and as much so as between his Lordship and the other divisional officers. My Lords, I consider that this is the time to call your attention to Lord Raglan's letter of the 16th of December, the existence of which I had no knowledge of till it was forwarded to me by the Minister of War, so lately as the 5th instant. I shall read it in extenso, and comment on it as I go on; and I will make this engagement with your Lordships, to refute every sentence, and every word that it contains. It commences—

> "My Lord Duke—I regret to be under the necessity of forwarding to your Grace the copy of a letter which has been addressed to me by Lieutenant General the Earl of Lucan. When I received it, I placed it in the hands of Brigadier General Airey, the Quartermaster General, and requested him to suggest to his Lordship to withdraw the communication, considering it would not lead to his advantage in the slightest degree."

My Lords, I have told your Lordships what did pass between me and General Airey. No doubt he did wish me to suppress my letter, and endeavoured to induce me to do so; but that he did ask me to withdraw it, I boldly and solemnly assert not to be the fact. Lord Raglan continues—

> "But Lord Lucan having declined to take the step I recommended, I have but one course to pursue, that of laying the letter before your Grace, and submitting to you such observations upon it as I am bound in justice to myself to put you in possession of. Lieutenant General the Earl of Lucan complains that in my despatch to your Grace of the 28th of October, I stated that from some misconception of the instruction to advance the lieutenant general considered he was bound to attack at all hazards. His Lordship conceives this statement to be a grave charge, and an imputation reflecting seriously on his professional character, and he deems it incumbent upon him to state those facts which he cannot doubt must clear him from what he respectfully submits is altogether unmerited. I have referred to my despatch, and, far from being willing to recall one word of it, I am prepared to declare that not only did the lieutenant general misconceive the written instructions that were sent to him, but that there was nothing in that instruction which called upon him to attack at all hazards."

My Lords, Lord Raglan is endeavouring to fasten upon me an expression that I considered myself bound to attack at all hazards, words used exclusively by his Lordship, though undoubtedly the aide-de-camp did give me an order to attack immediately. Lord Raglan proceeds—

> "There was nothing in that instruction which called upon him to attack at all hazards, or to undertake the operation which led to such a brilliant display of gallantry on the part of the light brigade, and, unhappily, at the same time occasioned such lamentable casualties in every regiment composing it. In his Lordship's letter he is wholly silent with respect to a previous order which had been sent him."

And for this reason. I received four orders totally distinct, having no reference to each other; and therefore why was I in the discussion of number 4, to discuss number 3, more than either of the other previous orders? And I defy any person to trace the least connection between the two last.

Again—

> "The previous order was in the following words:—The cavalry to advance, and take advantage of any opportunity to recover the heights. They will be supported by infantry, which have been ordered to advance on two fronts."

I have already shown your Lordships this to be a misquotation of the order; and that it was the cavalry and not the infantry that were ordered to advance on two fronts.

It was a fact, that the Duke of Cambridge, commanding the first division, received no order to give the cavalry any support. Nor did Sir George Cathcart, for that gallant officer told one of my aides-de-camp that he was unable to give any assistance, not having received any authority to do so. Under these circumstances I did all I could do. I placed my division in the position which Lord Raglan's aide-de-camp told me to take, and there waited for the co-operation of the infantry, but which was never given. From thirty to forty minutes elapsed between the receipt of the two orders. If the former order had been badly carried out, Lord Raglan was in a position to see it, and had only to send an aide-de-camp to point out my error. The cavalry were ordered to advance and take advantage of any opportunity to recover the heights. Did any opportunity occur, which I neglected? Was I to create the opportunity myself? Or, was I to do more than to profit by the opportunities created by others? As to recovering the heights, I declare that there was not a single Russian on the heights to the westward of No. 3 redoubt; for, after the heavy dragoon charge in the morning, the enemy evacuated 6, 5, and 4, forts. Indeed, No. 4 was subsequently occupied by Sir George Cathcart. If, as I contend, there were no Russians until you came to No. 3 fort, and they were all either in that fort or beyond it, I should wish to ask any military man how I was to execute this order. Is it to be supposed that Lord Raglan intended the cavalry to attack the fort? Or, is it not more reasonable to suppose that the infantry were to attack the fort, and that the cavalry were to wait for the opportunity of cutting off the retreat of the enemy when the assault had proved successful? I ask, will this order admit of any other construction? I am very certain that had I acted otherwise than I did, I should have been charged, and justly charged, with imprudence and incapacity.

In fine, as I have already said, there were no heights occupied by Russians to recover; but there were three forts, and I know that it was intended that the infantry should attack and retake them; and it was the wish of Sir George Cathcart to make the attempt; but it was not attempted, because it was considered that they could not be held, and that it was not worth the loss of life that must necessarily attend their assault. I think I have shown that thus far there is not a single sentence in Lord Raglan's letter that I have not refuted and shivered. Lord Raglan proceeds—

> "So little had he sought to do as he had been directed that he had no men in advance of his main body."

The fact is, Lord Cardigan's brigade was so much in advance that I received a communication from his Lordship through his aide-de-camp objecting to stand where he was, because the position was so much in advance, and he expected the batteries on the left to open upon him.

> "He made no attempt to regain the heights."

I have already stated that firstly, there were no heights, but forts to regain, and secondly, that I had not the promised co-operation of the infantry. Lord Raglan continues—

> "and was so little informed of the position of the enemy that he asked Captain Nolan what and where he was to attack, as neither enemy nor guns were in sight."

Now, if your Lordships will only read my letter, you will readily understand the tone and manner in which these questions were put. I was sensible of the absurdity and uselessness of the order; and when he persisted in his orders to attack, I said,

> "Attack, Sir!—Attack what, and where? What guns are we to recover?"

Captain Nolan pointed to the further end of the valley, and said—

> "There, my Lord, are your guns and your enemy."

I have already stated the erroneous impression which prevailed, that the Russians were at that moment taking our guns from forts 1, 2, and 3, and the spot pointed at by Captain Nolan was in the direction they would have been taken. Now, the guns were not moved at all that day, and to use a popular word just now, the whole was a misconception. The letter proceeds—

> "This is the lieutenant general's own admission. The result of his inattention to the first order was, that it never occurred to him that the second was connected with and the repetition of the first. He viewed it only as a positive order to attack at all hazards. (The word 'attack,' be it observed, was not made use of in General Airey's note)."

But, my Lords, the order to attack the enemy immediately from Lord Raglan was delivered to me by Captain Nolan. And again, is it not trifling to pretend that there was no order to attack when I was desired to advance rapidly to the front, to follow the enemy, and to try to prevent the enemy from carrying away the guns? I ask any military man, whether such an order means anything but attack? Could it be pretended that we were to advance slowly under a cross fire of batteries; and having reached the enemy were not to attack them, but to halt with our hands in our pockets? The idea is too puerile and absurd. But to proceed; I was told that in carrying out this operation, a troop of horse artillery may accompany. Your Lordships will observe, that the word "may" is here introduced. I therefore considered so much of the order discretionary, and did not take the troop. When I inform your Lordships that the artillery would have had to proceed up a long valley, much of it ploughed land, under a cross fire of batteries, and without a chance of ever bringing their guns usefully into action, your Lordships will, I think, consider that I exercised a wise discretion. Had the troop of horse artillery accompanied me, the horses must have been killed and the guns lost. The letter proceeds—

"He was informed that the French cavalry was on the left and he did not invite their co-operation."

This is a most extraordinary charge. They were out of sight on the other side of the ridge of the Inkerman valley, and much nearer to Lord Raglan and General Canrobert than to me. I knew not what was the force of French cavalry, how commanded or what orders they had received. Moreover, my advance was to be immediate, and I could not have communicated with the French cavalry in less than a quarter of an hour. My Lords, you might be inclined to suppose that we had not the co-operation of the French cavalry; when, on the contrary, we had it, and it was most useful to us. Three squadrons of French chasseurs most gallantly attacked a Russian battery in flank and reverse, silenced several of its guns, and thus rendered the greatest service to my heavy brigade. It is next said—

"He had the whole of the cavalry at his disposal; he mentions having brought up only two regiments in support."

It is true that in my letter of the 30th of November, I only mentioned two regiments; but it is equally true that the whole of the five regiments were brought up at proper intervals, and I am inclined to think that they had all casualties. Lord Raglan may well, after such a lapse of time, have forgotten how the troops were employed, but from his position he must have known it at the time. The letter proceeds—

"He omits all other precautions form the want of due consideration, &c."

Now I cannot help thinking that I took every precaution in my power, and I should like to know what precautions Lord Raglan expected of me which I did not take. And it is added, "from want of due consideration." It must, I think, my Lords, be very evident that I did not jump into this business, but that, on the contrary, I gave it the fullest consideration. Then it is stated that I acted on the supposition that the enemy were not in such numbers as they really were. Now, my Lords, considering that I had been in the field since six o'clock in the morning, and always, more or less, in the face of the enemy, I should be glad to know why it was supposed that I did not know something of their force. My Lords, I believe I have now answered every charge contained in Lord Raglan's letter. I pledged myself to refute every accusation, I said that I would not leave a word unanswered. I believe I have fully fulfilled the undertaking I gave, have not left two words together, but have torn the letter to rags and tatters.

I must now notice the letter of the Commander in Chief. When I find myself obliged, in my own defence, to mention any communication from such a quarter, I shall not fail to show that respect which I have accorded to my Commander in Chief ever since I became connected with the service. I must premise that the letter placed on the table of your Lordships' House, contains a paragraph more, and not an unimportant one, than the letter originally enclosed to me. This paragraph states—

"It is to be regretted that the lieutenant general, acting upon a misconception of a written order, did not show that order to Lord Cardigan."

Of course, my Lords, if the Commander in Chief pronounces it to be the duty of a lieutenant general to show his orders to his two major generals, however novel such a doctrine is to me, it must be my guide in future. But I certainly never conceived it to be the duty of a divisional general to do so. And there was no more reason to show the order to Lord Cardigan, than to General Scarlett, because it was not intended to be an operation of one, but of both brigades; and for which reason I placed myself in the rear of the one, and in advance of the other. I cannot understand how it could be possibly my duty to discuss an order with one of my major generals, unless it was to throw upon another a responsibility which ought solely to attach to myself. The noble Viscount proceeds—

> "And that influenced by the authoritative tone and disrespectful manner of the aide-de-camp, he did not decide upon his own judgment."

With the greatest respect, I ask the Commander in Chief why he supposes that I allowed myself to be influenced in any way, except by a sense of duty, in carrying out the orders I received? I do not know where the noble Viscount has been informed, but I ask the noble Viscount to tell me how I showed myself to be influenced by the tone or conduct of the aide-de-camp? I altogether deny that I was influenced by anything said or done by that aide-de-camp. I was influenced by a sense of duty which imposed upon me the necessity of carrying out what I considered to be an imperative order; and, therefore, I say to impute to me that I allowed my feelings or temper to influence my conduct is not doing me justice. The letter proceeds—

> "Supported by the concurrence of his major general, that the charge ought not to be made."

I deny that it was necessary to ask the concurrence of anybody, or that a divisional general should consult with his brigadier. I consider a lieutenant general to be unfit to be at the head of a division if he does not feel himself fully qualified and fully able to carry out the instructions of his Commander in Chief. I never could conceive it to be the duty of a divisional general to consult with his brigadier, and I should most reluctantly adopt such a course. I have since my return heard strange things in the way of private criticism. I have been told, "you should have had moral courage enough to disobey your general." I say to you, my Lords, I had not the moral courage to show myself insubordinate, and to hold my opinion as superior to, and overruling that of the Commander in Chief. Then I have been told, it is asked why I did not head the light cavalry charge? Because, had I done so, I could not have commanded the cavalry division. It seems to be imagined that I was unexposed in the affair. All I can say is, that my aide-de-camp was killed, I was myself wounded, my horse was hit by two balls, another staff officer had his forage cap shot off his head, and another had a ball in his horse. Of five, four were either hit themselves or their horses.

The reason of my recall is stated by the late Minister of War to have been, that I placed myself towards my general in a position which made it most advisable that I should be recalled. I could only have placed myself in that position by my letter of the 30th of November. To the noble Duke that letter must latterly have appeared to have been very uncourteous and insubordinate. Perhaps the noble Duke did not always think it so. Perhaps at one time he thought it calm and temperate. If he did, I believe he only entertained what is at the present moment the universal opinion; and it is on account of that letter so considered, and so universally approved of, that I am, ostensibly at least, recalled from my command.

It has been thought that I had had a quarrel with Lord Raglan, when, in fact, I never had a word of difference with his Lordship. Lord Raglan never found fault with a single act of mine, or said that I could do anything better. Subsequently to my letter, he very kindly appointed officers to my staff at my nomination. I have not only been in communication with Lord Raglan in respect to my division, but on subjects quite foreign to my command, such as transport, ambulance, and other matters.

And I therefore think, that when the noble Duke conceived it to be expedient, or necessary to recall me from my command in consequence of any supposed bad feeling between Lord Raglan and myself, the noble Duke acted under a misconception.

Your Lordships will, I think, be surprised that this recall, unexpected as it was by me, came as unexpectedly on Lord Raglan. I have been assured that his Lordship has said that he never recommended it, that he could not account for it, and that he knew nothing about it. My authority is General Estcourt. He told me, when I was putting my foot on board the ship to come to England, that Lord Raglan was quite as much astonished as myself; for although he did not deny that he had made observations in support of his report; he had said or done nothing to occasion what had happened, and it was altogether unexpected by him.

Your Lordships should be told how I obtained my command. So soon as I heard that troops would be embarked for active service in the East, I did, as I have done before, I wrote to the Commander in Chief, and offered my services. Not expecting much cavalry to be sent, I asked the Commander in Chief to appoint me to the command of a brigade of infantry, and stated that, having been in that branch of the service, I believed myself to be qualified; and that having served a campaign in Bulgaria, and being accustomed to foreign armies, and to live with foreign officers, I thought my services might be acceptable and useful. The noble Viscount, in the kindest manner, and, as I believed, of his own accord (for which I have always felt that I owed him personal obligation) wrote to say that the Government having decided upon sending out a division of cavalry, he offered me the command of it. I very soon embarked, and I arrived in the East, previously to the arrival of any part of my division. Unlike many of my brother officers, I was blest with continued good health, and the consequence was, that from the time the cavalry landed, till the noble Duke so summarily recalled me, I was never absent one hour, one moment from my duties, and I believe I am not overstating it, when I say, that there was no divisional general in that army who studied the care and welfare of his division, and exerted himself more incessantly for those objects than I did.

If I can say that I was always at my post, and always zealous in the discharge of my duties, I can also say that I have not been altogether an unsuccessful general. During the time that I was at the head of the cavalry, our piquets and outposts were never surprised; the flanks and rear of our army were never disturbed by the enemy's cavalry; nor was our baggage, nor were our communications inconvenienced by attacks from the Cossacks. I assert boldly, that on every occasion all was done by the cavalry under my command that my orders justified and that my small numbers rendered possible; and I had the good fortune to command and carry out all the details of the heavy dragoon charge. I cannot, therefore, be told that I have proved myself an unsuccessful general. What did Sir Colin Campbell—in concert with whom, as I have already said, I had been serving for four months—say to me:—"I shall always remember this: that whilst others have been croaking, grumbling, and dissatisfied, you have always laughed at every difficulty." This observation, my Lords, coming from a soldier like Sir Colin Campbell, is very flattering. I know, also, that the adjutant general of the army has said —"When they recall that officer they recall the man who, when others were skulking and running away, has never once flinched from his duty, but was always at his post."

It is contended by some that I need not have obeyed this order, that I ought to have had moral courage enough to have disobeyed it. Is this the opinion of military men, and of the highest authorities in the Crimea—English or French? I say, it is not; but that the order was imperative and absolute, leaving me no choice whatever how to act. There was not a commanding officer of the ten regiments of my division who did not consider the order one necessary to be obeyed. It is generally admitted that, had I disobeyed this order, I should for ever have been held responsible for the loss of the guns, which it was erroneously imagined were being removed. That such would have been the censure thrown upon me, that I could not have shown myself to my division; that my existence would have become intolerable, and I must have destroyed myself. These are the opinions of every officer in the army whose opinion is worth having. I have been giving you, my Lords, the opinions of living officers; I will now give you the opinion of an officer who, unfortunately for the army and for the country, is now lost to us. I mean Sir George Cathcart. I will read your Lordships his opinion of that cavalry charge, and of my conduct in respect to it.

It is well to observe that I never saw Sir George Cathcart from the time that the army reached Balaklava until his death. This is a letter which Sir George Cathcart never could have anticipated that I should see. I only became informed of its existence by accident. It was written to Lady Cathcart by her husband, and taken from his body after he fell; and the bullet which killed him had passed through this letter. It was written on the 2nd of November, three days before the battle of Inkerman, and eight after that of Balaklava. The extract to which I wish to call your Lordships' attention says—

"I have another opportunity of writing to you. You will read about the affair at Balaklava, in which the light cavalry brigade suffered so severely. It was a most gallant but unfortunate affair. Neither Lord Lucan nor Lord Cardigan were to blame, but on the contrary, for they obeyed orders. But those who gave the orders are much to blame for ordering the impossible. I was sent for with my division to set matters to rights, and did so as soon as we could arrive, but we had six miles to march."

Without wishing, my Lords, *de me faire trop valoir*, I may, I believe, say, that so long as I held the command of the cavalry division I discharged my duty. I have, however, been summarily recalled, and in a way, and in language not to allow me to console myself with the idea that my recall was a fair exercise of the prerogative, but that it was a recall in disgrace. In the noble Duke's letters he does not allow himself to say one word in palliation of the recall. I defy your Lordships to put your fingers upon one sentence in the letter containing a word of comfort. You might have endeavoured to have softened this recall (to the Duke of Newcastle), but you were afraid to offer one word of consolation.

My Lords, with such letters of recall, and under the circumstances in which I unhappily find myself, it is impossible but that I should consider myself recalled in disgrace. I have positively felt my position to be such, that I have not been able to allow myself the honour and satisfaction of waiting upon the Queen at a levee, fearing that my presence might be embarrassing to Her Majesty, and I cannot be insensible, that whilst every officer of any rank, on his return from the Crimea, has been specially honoured by Her Majesty, I have been considered, and, in my opinion, most naturally so considered, as, under the circumstances, unfitted for such an honour.

I fear, my Lords, I have troubled your Lordships at too great length, but I felt, to do myself justice, that I could not compress more what I had to state. Before I conclude, to the Government I say: You have wronged, grievously wronged, as zealous a soldier as Her Majesty has in the army. If my statement has, as I cannot doubt it has, made any impression on you, give it your attention; and if you are in any way doubtful that you have done an injustice, I ask you this, and no more: reconsider my case, and give me a court-martial and a fair trial.

The noble Earl concluded by moving—

"That an humble Address be presented to Her Majesty, for a Copy of the Report of Field Marshal Lord Raglan of the Action of Balaklava, and also a Copy of the Report of Lieutenant General the Earl of Lucan to Field Marshal Lord Raglan of that Action."

THE EARL OF CARDIGAN: My Lords, I regret that I feel myself called upon to address your Lordships on this occasion, because I came down with the firm determination and wish not to mix myself up in this question; and I deeply regret that I should be called upon to make any remark, or to take any part in the proceedings. My Lords, I only rise to correct a statement made with respect to myself. When the noble Earl, in his address, said that I sent my aide-de-camp to the lieutenant general, to state that the force of the enemy was so numerous in the front of the Light Brigade that I felt it difficult to hold my ground—["No!"]—yes, those were his very words, I sent no such message whatever. In the message I sent I said, that as I perceived a movement was going to be made, I begged to point out that the hills on both sides of the valley leading down to the valley at right angles with it, in which was the Russian battery, with the cavalry behind it,—that these hills were occupied by Russian riflemen and artillery. I sent this message; and when the lieutenant general came in front and ordered me to attack the battery in the valley, behind which was placed the large force of Russian cavalry—which had been perfectly perceptible to myself and to the whole of the Light Brigade for at least twenty minutes—my reply was, "Certainly, Sir; but before I go I must be allowed to point out that the hills on both sides of the valley leading to the battery are covered with Russian artillery and riflemen." The answer I received was, "I cannot help that, they are Lord Raglan's positive orders." I immediately obeyed orders; and so true was the report I had made with regard to the Russian artillery and riflemen that we had not advanced twenty yards before Captain Nolan, who was galloping about in front at about the distance of 100 yards from the Light Brigade, and in no way leading the charge, was killed by a shell from one of those flank batteries which I had pointed out. I have nothing further to say. I only wished to remove any misconception as to my having said that the Light Brigade was not safe in the position in which they were placed.

LORD PANMURE: I am sure your Lordships will agree with me in thinking that a more painful discussion than the present has never been brought before this House, and that you have never seen a gallant officer, whose courage, be it remarked, has never been accused, placed in such a position as that in which we have witnessed the noble and gallant Earl placed to-night. The noble and gallant Earl has gone into detail as to his services in the East, and has given the history of certain great and gallant actions in which he was engaged with great minuteness, which may have been extremely interesting, but, at the same time, your Lordships will perceive this is a subject into which it is impossible for me, or for any Minister, to follow him; it is a subject upon which I cannot presume to have an opinion. I must say I am somewhat surprised at the course which the noble Earl has taken, not only in making statements which it is impossible for me to contradict or even in any way to modify, but also in making statements impugning the discretionary power of his Commander in Chief, and the orders and counter-orders given to him upon that eventful day in the valley of Balaklava. No one can regret more deeply than I do the issue of what has been called the "misconception" of an order by the noble and gallant Earl. The disastrous effects which attended that misconception were lamented throughout the length and breadth of England; but I cannot say that the charge of the Light Cavalry, which will never be effaced from the history of the British army, was altogether vain, because it has carried into the heart of the enemy a terror of the British cavalry that I am quite convinced will be of great and good service upon future occasions, for the very appearance of those squadrons in some future well-fought field may perhaps put to flight the squadrons of Russia even without the necessity of a collision. I had anticipated that the noble and gallant Earl—for gallant I admit him to be in every sense of the word—would have dwelt upon that part of his case upon which he has on former occasions laid so much stress—namely, his demand for inquiry at the hands of a court-martial. But the noble and gallant Earl has simply referred to that point in the latter part of his speech; he has contented himself with a vindication of his military conduct, and with laying before your Lordships what he terms the injustice of the report to which he has referred; but he has altogether omitted to touch upon any of the doubts which I am sure must have arisen in his mind as to the legality of his claim to a court-martial and the expediency and propriety of granting such an inquiry. With reference to the recall of the noble and gallant Earl, I have simply to refer to the statement in your Lordships' hands. He states that it might have been more courteously worded, and expressed with more deference to his feelings as a soldier; but I refer you to the document itself, and I think it sufficiently sets forth that that recall was in no way connected with any doubt as to the gallantry of his conduct in the field. Differences had arisen between the noble and gallant Earl and his Commander in Chief with regard to the term used by the Commander in Chief in the despatch wherein he attributes the unfortunate result of the cavalry charge to a misconception of his orders by the noble and gallant Earl; and it was quite evident to Her Majesty's Government that, although personal civilities and courtesies might have continued, the confidence which ought to exist between the Commander in Chief and an officer commanding a division in his army had, to a certain extent, been shaken. It therefore appeared to the Government and to my noble Friend the Commander of the army—and I entirely coincide in that opinion—that it was for the benefit of the public service and for the advantage of the army itself that one or other of those officers should be recalled, and, with all deference, I think your Lordships will agree that the Lieutenant General commanding the cavalry was the person to whom the recall ought to have been directed. The noble and gallant Earl says that he is entitled to a military inquiry into his conduct upon this eventful occasion. Now, if this had been a question confined to the noble and gallant Earl, there might have been less difficulty in coming to a decision upon it; but your Lordships will perceive that in this, as in all other military matters, a precedent set in the case of the noble and gallant Earl must be followed throughout the army—what is law for him must also be law for the meanest private; and the question arises whether there are grounds in the complaint of the noble and gallant Earl which would justify him in calling for inquiry, any more than a man in the ranks who may have been censured by his superior officer, and who would claim a right to have that censure revised by a military court. There is no law which can guide this case, except that law by which all armies are governed—either the Mutiny Act, or the Articles of War, or the custom of war. I have looked with care into the Mutiny Act and the Articles of War—I have reviewed under the most competent advice all the customs of war in cases similar to the present, and I cannot find in the one or in the other any ground whatever for granting the inquiry before a military court which the noble and gallant Earl has demanded. There are cases under the Mutiny Act in which a soldier has an option of being tried by a court-martial or of submitting to certain punishments, such as forfeiture of pay or imprisonment; but these cases are specifically laid down in the Act of Parliament, and they are specifically recorded in the Articles of War for the information of the soldier, and among none of them can the case of the noble and gallant Earl be ranked. But it may be said that the peculiar circumstances of this case ought to make it an exception to the generule. I cannot see any ground for their so doing. And here let me draw a distinction with respect to a word which has been frequently used by the noble and gallant Earl. He says that certain charges have been brought against him by Lord Raglan in his despatch. Now, no charge, in the technical sense of the word, has been brought against him, and I will presently show your Lordships that, in the technical meaning of the phrase, no charge could be brought against him by Lord Raglan. His conduct has been described by Lord Raglan as a misconception of orders which led to unfortunate results. Has not such conduct as that been attributed to officers and general officers in former days over and over again? During the Peninsular campaign did the Duke of Wellington never say that, owing to the misconception of one order, or the non-fulfilment of another order by officers, certain great operations had miscarried? And did the Duke of Wellington ever dream of bringing those officers to a court-martial for such errors, or did those officers ever demand a court-martial in consequence of such observations having been made in his despatches by the Commander in Chief? If you are to recognise the right of every officer to be tried by a court-martial who may make the claim on the ground of his feelings having been injured by remarks made by his superior officer, there would be an end at once to all discipline in the army, to all the power of the Commander in Chief, and to all his control over his troops. But suppose we were to recognise the right of the noble and gallant Earl to an inquiry, by whom are the charges against him to be framed? Are they to be framed by Lord Raglan himself? [The Earl of LUCAN: Hear!] The noble Lord who expresses his assent, knows little or nothing of military law—["Hear!"]—if the noble Earl (the Earl of Lucan) assents to that proposition he knows little or nothing of military law, or he would be perfectly aware that the first maxim of military law is, that any officer or soldier who shall have been guilty of any crime for which he may be brought to a court-martial, if he shall have been employed upon any duty before the court-martial takes place, such employment absolves him from the crime he has committed. The person who would have had to frame the charges against him has condoned his offence, and could not, therefore, proceed to make those charges against the individual whom he had so employed. While I admit that the noble and gallant Earl is competent to perform gallant and glorious actions in the field, I will not yield to him in the technicalities of military law, and I think he will find that I am putting a proper interpretation upon them. If then, my Lords, Lord Raglan cannot frame these charges, is the Judge Advocate General to frame them? If I am right I believe that that learned functionary, had he been ordered to frame them, would have said, at the very outset, "These charges will never hold water. The crime or act has been condoned by the general officer in command of the army. It is impossible, in such a case, that the sentence of the court-martial could be confirmed, or that the carrying out of any such sentence could be recommended." Upon these grounds, therefore, I say that even if it were expedient, it would be impossible to grant a court-martial in this case. But I rest the whole facts of the case with regard to a court-martial upon the question of discipline. I resisted the demand of the noble and gallant Earl on the question of discipline from the very beginning, for I believe that to grant a military inquiry in this case would be to strike at the root of the whole discipline of the army. My Lords, let us look at what happened last year. A military Commission sat upon the promotion of officers in the army. What can be so great an offence in the eyes of an officer as to see himself passed over in a promotion? That military Commission, however, recommended that promotions for merit should be made by selection, and that officers of noted and general merit should be promoted out of their turns, and over the heads of other officers who were their seniors. This, too, was to be done without any other reason being given than the merit of the individual officers promoted. Now, if all the officers over whose heads other officers were promoted for merit were to complain of being passed over, and were to claim an inquiry into their merit as compared with those promoted out of their turns, I apprehend that it would be impossible to carry out the recommendations of the Commission. I think that the more your Lordships look into the present case the more you will be convinced that, without imputing to the noble Earl anything whatever that could touch his reputation as a soldier, either in point of courage in person, or of conduct in the field, or upon any other matter except on those points of misunderstanding which have arisen between him and Lord Raglan, the Government could not have adopted any other course than that of recalling the noble and gallant Earl from his command in the Crimea; and that they can, without casting any reflection on the noble Earl, refuse the inquiry for which he asks. I am afraid I can hold out to the noble Earl no expectation of our reconsidering the determination to which we have arrived: and I am afraid I can give no answer to the *ex parte* statement which he has made of the events which have attended the campaign in which he has been engaged. I only hope and trust, after the appeal which the noble and gallant Earl has addressed to your Lordships—after the opportunity which your Lordships have kindly given him of stating, in his own vindication, all the acts of his public career—that here this unfortunate and unhappy controversy will rest; and I do hope that when this *ex parte* statement of the noble and gallant Earl goes forth to the Crimea, it will not add to the anxieties of the gallant general to whom we are all so deeply indebted for the exertions he is making for his country in the field of battle, nor render the position he occupies still more painful than it must have been from all that has passed in this country during the last few months.

VISCOUNT HARDINGE: As the noble and gallant Earl alluded to me in the latter part of his address, I trust your Lordships will allow me a few words in explanation. I may say, first of all, that I perfectly concur in the remark of my noble Friend behind me, the Minister of War, that the statements which we have heard from the noble and gallant Earl must be considered to have been made *ex parte*, inasmuch as we have heard from the noble Earl an account of conversations which have passed between himself, General Airey, Lord Burghersh, and Lord Raglan. It is perfectly impossible for me, or for any other Peer in this House, to be able to answer on the instant such statements as the noble and gallant Earl has made to the House. I have the highest confidence in the honour and integrity of my noble Friend (Lord Raglan), and I should be the last person to believe that my noble and gallant Friend (the Earl of Lucan) would wilfully misrepresent anything that has occurred. I am, therefore, placed in this painful position, that I am called upon to hear the explanation of the noble Earl of what has passed between him and Lord Raglan and General Airey; while at the same time it is impossible for me to suppose that Lord Raglan, upon those terms of friendship which the noble and gallant Earl has represented, could have sat down to pen such a despatch as that of the 16th of December, in which he states, respecting the noble Earl—

> "I have referred to my despatch, and, far from being willing to alter one word of it, I am prepared to declare that not only did the lieutenant general misconceive the written instruction that was sent him, but that there was nothing in that instruction which called on him to attack at all hazards, or to undertake the operation which led to such a brilliant display of gallantry on the part of the Light Brigade, and, unhappily, at the same time, occasioned such lamentable casualties in every regiment composing it."

The despatch goes on in the same strain to state very minutely what the impressions of the noble Lord were. Lord Raglan says that—

> "The noble Earl was so little informed of the position of the enemy that he asked Captain Nolan 'where and what he was to attack, as neither enemy nor guns were in sight. This, your Grace will observe, is the lieutenant general's own admission."

The noble and gallant Earl has stated in his explanation, that he obeyed the orders of Captain Nolan; but it was his duty to have obeyed the written order of Lord Raglan, and to have paid no attention to what Captain Nolan said. There can be no doubt from the following passage that Lord Raglan considered his order discretionary, and not imperative. Lord Raglan writes —and I believe it is an important point for the consideration of your Lordships—

> "The noble Earl viewed it only as a positive order to attack at all hazards (the word 'attack,'

be it observed, was not made use of in General Airey's note) an unknown enemy, whose position, numbers, and composition he was wholly unacquainted with, and whom, in consequence of a previous order, he had taken no steps whatever to watch. I undoubtedly had no intention that he should make such an attack—there was nothing in the instruction to require it—and therefore I conceive I was fully justified in stating to your Grace what was the exact truth—that the charge arose from the misconception of an order for the advance, which Lord Lucan considered obliged him to attack at all hazards."

I trust your Lordships will pay particular attention to the words of this despatch, which was written some time after he had received the letter of the noble and gallant Earl. Is it likely that a man of the strict honour and veracity of Lord Raglan would have persisted in stating in such strong and unmistakable terms, that he never meant his order to be considered as an imperative order of attack, if the fact were not so? I am, therefore, of opinion that Lord Raglan is speaking the exact truth, and that he never meant that an attack should be made at all hazards. On the contrary, I have every reason to believe that he meant to place a discretionary power in the hands of the noble and gallant Earl. He says—

> "I entertain no wish to disparage the Earl of Lucan in your opinion, or to cast a slur upon his professional reputation, but, having been accused by his Lordship of having stated of him what was unmerited in my despatch, I have felt obliged to enter into the subject, and trouble your Grace at more length than I could have wished in vindication of a report to your Grace in which I had strictly confined myself to that which I knew to be true. I had indulged in no observations whatever, or in any expressions which could be viewed either as harsh or in any way grating to the feelings of his Lordship."

I cannot say that I have read the private correspondence of Lord Raglan, either to the noble Duke (the Duke of Newcastle) or to my noble Friend behind me (Lord Panmure), but this I can say, that, in all the correspondence of Lord Raglan which I have seen, upon no occasion has my noble Friend indulged in a single reflection in which the credit or honour of the noble and gallant Earl has been called in question. Now, what is the statement of the noble and gallant Earl? He says—

> "After carefully reading this order, I hesitated and urged the uselessness of such an attack, and the dangers attending it. The aide-de-camp, in a most authoritative tone, stated that they were Lord Raglan's orders that the cavalry should attack immediately. I asked him 'where and what to do?' as neither enemy nor guns were within sight. He replied, in a most disrespectful but significant manner, pointing to the further end of the valley, 'There, my Lord, is your enemy; there are your guns.'"

The noble Earl then says that he decided against his own conviction, he being a lieutenant general, upon making the attack, and he observes—

> "I did all in my power to make it as little perilous as possible."

He then goes on to say—

> "I considered at the time—I am still of the same opinion—that I followed the only course open to me. As a lieutenant general, doubtless, I have discretionary power; but to take upon myself to disobey an order written by my Commander in Chief, within a few minutes of its delivery, and given from an elevated position commanding an entire view of all the batteries and the position of the enemy, would have been nothing less than direct disobedience of orders, without any other reason than that I preferred my own opinion to that of my general, and, in this instance, must have exposed me and the cavalry to aspersions against which it might have been difficult to defend ourselves."

Surely, when the noble Earl talks of possible aspersions, it shows that his decision to attack was taken, not upon any impression which he had of Lord Raglan's order, but upon the fear which he entertained of aspersions from his officers and soldiers. He then goes on—

> "I did not dare to disobey your Lordship, and it is the opinion of every officer of rank in this army, to whom I had shown the written order, that it was not possible for me to do so."

The noble Earl also referred to my letter, in which I state:—

> "It is to be regretted that the lieutenant general, acting upon a misconception of a written order, did not show that order to Lord Cardigan, and that, influenced by the authoritative tone and disrespectful manner of the aide-de-camp, he did not decide upon his own judgment, supported by the concurrence of his major general, that the charge ought not to be made."

Surely, my Lords, I am justified in making that assertion, because at the time the letter was written I had seen Lord Cardigan, and had his opinion, and not only did he think the charge ought not to have been made—that it was useless and worse than useless—but that he had never read the order, that he had never been consulted, and when two men of the same age and of the rame rank—[The Earl of LUCAN: No, not the rame rank]—or nearly the same rank—I do not wish to hurt the feelings of the noble Earl with respect to his rank, but both are in the *Army List* as major generals; and when I asked Lord Cardigan, "If you had received an order written by Lord Raglan, and signed by General Airey, should you not, before you made the attack, have considered you had discretion to send it to Lord Lucan," he answered, that he considered the order left the lieutenant general full discretion, and that he thought it the duty of an officer in command not to obey implicitly, on such an occasion as that, an order which would imperil his men, but to exercise his discretion. I must say that I think on all occasions a cavalry officer has a right to exercise his discretion much more than an officer of infantry, because cavalry have from the rapidity of their movements far more opportunities of making efforts and changing the disposition of their force as the occasion may suddenly arise. Under those circumstances, I conceive that the noble Earl had a perfect right, considering the wording of the order, to exercise his discretion upon it. That is my opinion, and I take it that it would be that of any man who saw the terms used by Lord Raglan in the despatch which the noble Earl has contravened. I do not mean to say the noble Earl may not be right in the disposition of his troops. I will not enter into a discussion upon that; but I say that the whole statement of the noble Earl is *ex parte* as far as it goes; and although I do not blame the noble Earl for anything that has been said, either in the course of this debate, or upon any former occasion, I say that, from the tone of Lord Raglan's despatch, there appeared to be a difference of opinion between him and the Earl of Lucan, upon professional grounds, so strong that it would not be advisable for them to continue in the same position, because they would not act well together. I was asked my opinion, and I said that it was not advisable that a commander in chief and an officer so high in rank as a lieutenant general commanding a division, should be upon such terms, and therefore I gave my advice to my noble Friend behind me (the Duke of Newcastle), who acted accordingly. I can only say, my Lords, with regard to the general merits of the question, I should be extremely happy if the noble Earl could have a court-martial by which his conduct might be examined; but I am bound to observe that, in the records of the army, there is no instance in which an officer in the position of the noble Earl has claimed a court-martial. I believe he cannot do so on legal grounds; as to doing so as a matter of favour, it is equally impossible on that ground. When the lieutenant general arrived in this country it was my duty to consult the Judge Advocate General, and the strongest opinion was given by that officer that it was impossible that the noble Earl could claim a court-martial; first, for the reason given by my noble Friend behind, that the acts which he was supposed to have committed were overlooked at the time; and, secondly, because it was impossible to frame any charge against the noble Earl. My noble Friend took the objection that the noble Earl had served since. I recollect the case of a soldier in the 40th Regiment, in the Peninsula; he was about to be punished, but while under sentence was allowed to go into action, and was afterwards, having performed his duty and been exposed to danger, most severely punished. Upon that occasion the officer was brought to a court-martial and cashiered, the charge against him being that he had, contrary to the Mutiny Act, used the services of a man and afterwards punished him for an offence committed before such service was rendered. I therefore concur with the Judge Advocate general that the subsequent services of the noble Earl would disqualify him from having his conduct investigated by a court-martial, and I do not believe there is any precedent for it. At the same time, I must say that, personally, I, for one, greatly lament the step taken of recalling the noble Earl, the more especially as I had a material part in recommending him to Her Majesty's Government for the appointment; but I believe Lord Raglan is perfectly incapable of making a statement in such strong terms as that which has been alluded to unless he believed every word of it.

THE DUKE OF RICHMOND: I think your Lordships will concur with me in expressing great regret that the noble and gallant Earl should have brought this subject before the House. No doubt it is natural for my noble Friend to wish to stand well before the people of England, but I submit that my noble Friend ought not, because he is a peer, to be in a position to demand that which would not be granted to any one else. If your Lordships in this House interfere with the discipline of the army, there are men sitting not very far from you who will follow your example, and the consequence will be, the army will be placed under democratic power. My Lords, I am not going into the discussion of those points which have already been touched upon, but I regret to hear particular acts, accusations, and private conversations brought forward in this House. I think my noble Friend ought not to have lent the weight of his high character to the attacks which have been so unjustly made upon Lord Raglan—the man who landed the British army in the Crimea, who stormed the heights of Alma, who fought the battles of Balaklava and Inkerman, and who has done, more than any other man, that for which every other man in this country who wishes for peace must feel deeply grateful—he has promoted and cemented more than any other man the firm alliance and brotherly feeling which is reciprocated between this country and our brave and gallant ally. My Lords, I know that my noble Friend did not wish to attack Lord Raglan, and no doubt he did not wish to attack Colonel Estcourt or Colonel Airey—officers with whom I have no personal acquaintance—but, I ask is it right or is it just to allow these men to be lowered in the opinion of the army by detailing those conversations? My noble Friend, with respect to Colonel Airey, said he began in a sort of threatening tone, and then assumed a more diplomatic manner. I say that telling such things is not the way to teach the officers or the men of the British army their duty, but it is the way to teach them to look down on men holding high and responsible situations. I go not into the question as to whether or not my noble Friend misunderstood the order. He appealed to me, and, reading from the Queen's regulations, asked whether an officer is not bound to obey the order of an aide-de-camp? No man can doubt for a moment that he is so bound to obey it, but I can tell my noble Friend what a most gallant general officer did in the Peninsular war — Major General Crawfurd, who commanded the Light Division. One of the aides-de-camp, who brought him a written order, behaved pretty much as I am afraid this officer did to the noble Earl —gave him his advice when to attack and where to attack. General Crawfurd's answer was,—"When General Crawfurd asks the opinion of Colonel A., he will have the goodness to give it, but not till then." Now, that is the way in which I should have acted in this instance. My noble Friend says that he received a further order from Captain Nolan, besides the written order. Now, if that is the case—if my noble Friend acted upon the verbal order—what, in Heaven's name, was the use of sending the written order at all? The written order ought to have been the one attended to, and my noble Friend ought to have disregarded what the aide-de-camp said. Captain Nolan was no doubt a very brave and gallant officer, and it is far from my intention to say anything against him, but he was a man, who had written a book upon the capabilities of cavalry, which contained the most fantastic notions as to cavalry being always able to destroy formed infantry; and it was not to be supposed that he would shrink from the opportunity of proving them to be true. If I had been in the position of the noble and gallant Earl I should have said to that gentleman immediately, "When I ask for your advice, give it to me; in the meantime, go back to your general and report." As my noble Friend has appealed to me, I have no hesitation in saying, as far as I can understand the matter, I should have looked to the written order, and that in advancing the cavalry I should not have read that order as he did, as an order to attack at all hazards.

THE EARL OF DERBY: My Lords, I should not have risen to address your Lordships on this occasion, but for the purpose of expressing a hope which I am sure is shared by many of your Lordships, that after this, in many respects painful, though perhaps unavoidable debate, we may be spared the continuance, or, at all events, a repetition of it. I am not at all prepared to say that there may not be, as the noble Lords the Minister for War and the Commander in Chief have stated, that there are legal and technical, as well as substantial difficulties arising out of the exigencies of the public service, which might render it impossible, or, at all events, inexpedient to grant the court-martial or the military inquiry for which my noble and gallant Friend asks. But, then, I cannot refrain from saying that if it were impossible so to grant that inquiry —if it were impossible to afford to my noble and gallant Friend an opportunity of vindicating himself from the charges (I do not use the term in the technical sense) made against him, and from the imputations cast on his professional character, and which seriously affect him in the opinion of the army—perhaps of his Sovereign—and in the opinion of the country at large—if it were impossible to do this, then, I think, it was most unfortunate that that second letter of Lord Raglan, containing these serious charges and imputations, was ever placed officially by a Minister of the Crown in the hands of your

Lordships, as indicating the reasons of my noble and gallant Friend's recall. If my noble and gallant Friend had merely complained of the expression as to his misconception of these orders, and if he had appealed to a Minister of the Crown for a court-martial, or an inquiry of any description, to investigate whether, in point of fact, he had misconceived those instructions or not, I should then say that my noble and gallant Friend, however hard his case might be, had no ground to stand upon. But when an officer high in command finds himself charged by his superior with the heavy crime of disobeying a positive order, and finds that that charge is officially declared by the Minister to be the reason why he is recalled and brought back to this country—I will not say in disgrace, but with his professional character to a certain degree affected—then I say that his case is one of extreme hardship; and it is one as to which I am quite sure every man in this House, military or non-military, must deeply sympathise with my noble and gallant Friend. Upon one point I differ from my noble and gallant Friend the noble Duke behind me (the Duke of Richmond). I cannot blame my noble and gallant Friend for that, having urged, entreated, and besought for some means of vindicating his professional character before that which no doubt would be the fittest tribunal to investigate such a question—namely, a tribunal composed of military officers—he should have availed himself of his seat in this House to make that plain, straightforward, unvarnished, manly statement which your Lordships have heard to-night. I am not about to depart from the wish I expressed in the outset, and to set the example of neglecting the suggestion I then threw out, by entering upon any discussion as to the merits of the question, or the degree of responsibility resting on my noble and gallant Friend from the first or second order received by him. I must, however, be permitted to say that my noble and gallant Friend appears to me to have been placed in a most unfortunate dilemma, and I do not see what possible exercise of discretion, what possible judgment or knowledge of his profession could have saved him from one of the horns of that dilemma. The noble Viscount the Commander in Chief (Viscount Hardinge) has insisted a good deal upon this point—that, holding the high position of lieutenant general in the army, it was the duty of my noble and gallant Friend to exercise a large discretion with regard to the order he had received, more especially as it concerned an advance of cavalry. Now, my noble and gallant Friend upon a previous occasion, when he received the first order to advance the cavalry and occupy the heights, did exercise a discretion so far as regarded the extent to which he should advance the force under his command; and then we find in a subsequent letter of Lord Raglan, that upon the fact of his having so exercised his discretion is founded a charge of disobedience to a positive order. In the second instance, my noble and gallant Friend, receiving (in consequence, as Lord Raglan says, of his having disobeyed the first order) a peremptory command from Lord Raglan, naturally conceives that no discretion is left to him, and executes that peremptory order, upon which he is told that he ought, as lieutenant general, to have exercised discretion, and to have disobeyed the order, although it was brought by Lord Raglan's own aide-de-camp. Now, I will not say whether my noble and gallant Friend was justified in the whole course he took upon the one occasion or the other; but I will ask, with the charge hanging over him of having unduly exercised his discretion in the first instance and of not obeying his orders, what would have been said of him if he had abstained from obeying a second order addressed to him consequent upon his non-compliance with the first order, and had again acted according to his discretion? I do not wish to say a single word which may be considered as disrespectful to Lord Raglan, or to express any opinion with respect to matters which seem to require a judgment peculiarly military; but it does appear to me that my noble and gallant Friend, by the opposite charges made against him, has been placed in a position of extraordinary difficulty; and, although there may be one man in 10,000—certainly not more—who would venture to incur the moral responsibility of such a double disobedience of orders, I think it cannot be made a charge against my noble and gallant Friend, that he conceived himself bound by such positive orders to take a certain course marked out, even though he might not think that course a judicious one. I may be permitted also to say, with regard to the responsibility attaching to my noble and gallant Friend as lieutenant general, that, on the one hand, he is charged with not having assumed a proper degree of responsibility, and, on the other hand, the noble Viscount the Commander in chief says, my noble and gallant Friend ought to have consulted with the Earl of Cardigan as major general, because they were nearly of the same rank—forgetting that my noble and gallant Friend had the local rank of lieutenant general, commanding the division, and that Lord Cardigan, as well as Major General Scarlett, were major generals of brigades, acting under the orders, and, consequently, not approaching to the rank, of my noble and gallant Friend. I beg your Lordships' pardon for having gone so far into the question as I have gone; but I will repeat my hope that, after the defence of his conduct made by the noble and gallant Earl this evening—after a statement entered into by him which I am sure must have gone straight to the heart and the feelings of every man among your Lordships, as I think it will throughout the country generally—this will be the last occasion on which we shall hear in this House discussions upon questions which undoubtedly, if habitually brought before this House, cannot but give rise to much serious inconvenience. My noble and gallant Friend will have the satisfaction of knowing that, at all events, he has had the opportunity of making his own defence, clear and unequivocal as that statement was, before your Lordships and the country; and whatever opinions may be formed as to the responsibility attaching to him — if there be any responsibility—with regard to that brilliant but unfortunate charge of the Light Cavalry at Balaklava, he need be under no apprehension that his countrymen are likely to forget the important military services rendered by him or are likely to forget that on that day he had the merit of ordering another almost equally brilliant and more successful charge of the Heavy Brigade, under the command of my old and valued Friend Brigadier General Scarlett — a charge which covered with glory the troops engaged in it and which must reflect the utmost credit upon the general who directed it. My noble and gallant Friend has, besides, the satisfaction of knowing that he has come before your Lordships and the country with the full consciousness that he has a good case; that he is anxious to have his conduct investigated in the closest and most searching manner by military and professional men; that if he is deprived of such an inquiry it does not rest at all with him, since he has sought, courted, and entreated the fullest investigation into every part of his conduct; and, satisfied with that knowledge, I trust he will from this time permit the subject to drop in this House, and will throw himself and his character (and I am sure he may safely do so) upon the justice and the good feeling of his countrymen.

The Duke of NEWCASTLE: My Lords, I will not, any more than the noble Earl who has just sat down, enter into the merits of the question between the noble and gallant Earl and Lord Raglan, for I feel strongly that there is no Member of your Lordships' House who is in a position either to confirm or refute the assertions which have been made by the noble and gallant Earl in bringing his case under your consideration. I feel, my Lords, that if I were to attempt to make any vindication of the conduct of the Commander in Chief of the army in the Crimea, I am so imperfectly informed—as all your Lordships necessarily are—with regard to the facts now, for the first time, brought under our notice, that I should find myself most inadequate to the discharge of such a task, without doing injustice to that noble Lord. At the same time, I am bound to say that the noble Earl who has just spoken (the Earl of Derby) has done injustice to Lord Raglan on one point, for I do not understand his Lordship to make any complaint of his first order for the cavalry to advance not having been obeyed by the noble Earl (the Earl of Lucan). All I understand Lord Raglan to say is, that he sent the subsequent order in consequence of seeing that the first had not been obeyed. I will not, however, enter upon that subject; and, as I am not about to discuss the case as between the noble and gallant Earl (the Earl of Lucan) and Lord Raglan, still less will I enter into the question whether or not there should be a court-martial. This point is one with regard to which I feel myself bound to defer to the military authorities, and to the legal authorities conversant with military law. I am bound to accept the decision on this part of the case as stated by my noble Friends near me, and to believe that they have advised the Crown in the course which has been taken on sufficient data—on data, let me add, which have been strengthened by the opinion of the noble Duke (the Duke of Richmond). At the same time, my Lords, I cannot help regretting, for the sake of the army, that it is not thought advisable that such a court-martial should be granted, because undoubtedly it will go forth to the public that a general commanding a division, and having a seat in this House, has advantages over every other officer in the army which he ought not to possess. The noble Earl opposite (the Earl of Derby) has complained that my noble Friend the Secretary of War had furnished to Parliament the letter which contained the imputations against the noble and gallant Earl; and he went on to observe that the publication of that letter entirely changed the position in which he stood. But the noble Earl forgot how that came to pass. It occurred from the circumstance of the noble Earl (the Earl of Lucan) being a Member of this House, and coming down to the House and reading a letter which had been sent to him by Lord Raglan, containing the despatch written by me on the occasion. Undoubtedly when an *ex parte* statement was laid before the House by the noble and gallant Earl, then, and not till then, did my noble Friend (Lord Panmure), feeling that it gave an unfair advantage against the Commander in Chief in the Crimea, send to the noble and gallant Earl the despatch of Lord Raglan, stating his case, and leaving it to the noble and gallant Earl to produce that letter, if he thought fit, and thus put the House and the public in possession of the whole facts of the case. So far from this being a cause of complaint against my noble Friend, I think he acted in a fair and candid spirit towards the noble and gallant Earl, by enabling him to see what the case was against him before he brought it under the notice of the House, and that he did no more than was required by justice to the noble Earl at the head of the army in the Crimea in subsequently laying his Lordship's letter on the table of the House. I am ready to join the noble Earl opposite in expressing an earnest hope that this discussion may not be drawn into a precedent. I speak with all possible feeling towards the noble and gallant Earl. I sympathise with him, and can truly say I never took a more painful course in my life than in writing that despatch to which he has so often referred; but I cannot help thinking that the interference of this House in such matters is not likely to raise it in repute with the country. The noble and gallant Earl has stated that he did not know whether Lord Raglan had or had not addressed to me some documents of a character different from that which had appeared respecting him. I can relieve his mind of any such suspicion. There are no public documents at the War Office except those that have been produced, and, as regards any private letters sent to me by Lord Raglan, the noble Earl is well aware that in the private letter which Lord Raglan addressed to me giving an account of the battle of Balaklava, he did not refer to him in unfavourable terms, and, on other occasions, when he did refer to him, he has always done so in the kindest possible spirit. The noble and gallant Earl says I at one time considered his letter calm and temperate. I undoubtedly did consider that letter calm and temperate, and I do so still. The noble and gallant Earl has made use of a private opinion which I expressed, and that opinion I have not altered; but did I not, when I expressed that opinion, accompany it by an expression of my belief that it was of such a character that, if it came before the public in any way whatever, it could not fail to be detrimental to the public service, and that on no account ought it to be published? A complaint has been made that the recall of the noble and gallant Earl was not accompanied with any expressions of sympathy. I can only say, that if the noble and gallant Earl's feelings were hurt by the mode of communication, I have to regret that such expressions of sympathy were not employed; but, at the same time, I think it will be admitted that expressions of sympathy in official despatches like these are rather out of place. Opposed as I am to the noble and gallant Earl, I must say that I never felt anything more personally painful to me than the duty of recalling him from the Crimea; but I was compelled to discharge that duty by a sense of what I owed to the service and the country. Though I do not complain of the course which has now been taken by the noble and gallant Earl, I must say I have listened to this discussion with the greatest regret, because I do not believe it is one upon which the House can with propriety enter, and because it cannot in any way conduce to the public interests.

THE EARL OF HARDWICKE deprecated the doctrine of the noble Duke (the Duke of Newcastle), that the privilege of the House should not be availed of by noble Lords, when the question at issue was a justification of the personal and professional character of a Member. He thought, on the contrary, it was a great advantage that a Peer should have the opportunity, under such circumstances, of proving himself worthy to sit in that House. So far, therefore, from the noble and gallant Earl being wrong, he (the Earl of Hardwicke) thought he was perfectly right in vindicating his character; for no place was so proper to do so as that House. He (the Earl of Hardwicke) did not understand the sudden squeamishness that had been exhibited on that point. The same course was constantly taken in the other House of Parliament; and the country had just seen a gallant naval officer, who, not being himself in Parliament, had procured a friend to bring his character and conduct under the investigation of the House of Commons. Of course no light cases should be brought before Parliament, but when the case involved the honour and the fitness of a man who held a high command in the fleets or army of the Crown—when the professional character of that man was traduced, and when he was refused vindication elsewhere, then Parliament was the fitting and proper place to appeal to for justice.

The Marquess of BREADALBANE thought the noble Earl took quite a mistaken view of the privileges of their Lordships' House, which were only given them for useful public purposes. When a Peer became an officer in the army or navy he was as much amenable to military law as the meanest private in that service, and to take advantage of his privilege to bring before that House questions which ought only to be submitted to the military or naval authorities, or to be decided on according to military law and usage, was not, he thought, a use of those privileges which would tend to the public advantage.

The Earl of LUCAN: It is not my intention to make any reply upon the general question; but I will make a reply to the noble Duke. The noble Duke has made a charge against me of betraying confidence, by referring to some private letter.

The Duke of NEWCASTLE: I have made no such charge.

The Earl of LUCAN: Pardon me, but I heard you.

The Duke of NEWCASTLE: I did not say so. I said the noble Earl had asked a question whether I had not expressed my opinion that his letter was calm and temperate. I said I had expressed that opinion, and I adhered to it; but that, as he had quoted my opinion, I would ask him a question whether I did not also express another opinion as to the publication of that letter.

The Earl of LUCAN: My answer is, that the noble Duke expressed no other opinion. If the correspondence can be termed private, it is not private by my seeking. I made no private communication to the noble Duke. The noble Duke thought right to make me a private communication. I made a reply, not private again. If I recollect rightly what was written by the noble Duke was simply this: A gentleman called on my behalf on the noble Duke, and asked him when it was his intention to publish my letter of the 30th of November—a letter, which, as I have stated, was written by agreement, with and by consent of Lord Raglan; and the noble Duke, in writing to me, expressed his hope that the letter would not be published, and gave his reasons for it; but, if I mistake not, he told this gentleman that I should not publish this letter until my conduct was attacked before the public, and that when I was attacked it would be my duty to publish it.

The Duke of NEWCASTLE: It is necessary I should enter now into further explanations with reference to this private communication, which the noble Earl says was none of his seeking. I say it was none of my seeking; but it does happen, very unfortunately, that the witness between us is no more. It so happened that the noble Earl and myself employed the same private solicitor; and while I held the office of Secretary for the War Department that gentleman called upon me and produced the letter, dated the 30th of November, some ten days before I received it from Lord Raglan. He desired me to read it. I asked Mr. Parkinson for what purpose he produced the letter to me, and I told him it placed me in a very difficult position. Mr. Parkinson then said he had been authorised, as the legal adviser of Lord Lucan, to publish the letter in *The Times* newspaper, and he felt that was not a wise or proper course to pursue; but, at the same time, he was placed in difficult circumstances—he was in the habit of endeavouring to act as the friend as well as the legal adviser of his clients, and he came to ask me what I thought of the matter. My answer was, "It is out of my power to give you any advice; if I were a private individual, being one of your clients, and on terms of friendly relationship, both with yourself and Lord Lucan, I should have no objection, but I must decline to give any advice in the position in which I stand." Mr. Parkinson said Lord Lucan had desired him to ask me whether I had received that letter from Lord Raglan? I had no hesitation in saying I had received no such letter. He asked if I were likely to receive it soon; I said I was utterly unable to say, as I had no information of the existence of any such letter. Mr. Parkinson said, under the circumstances he would wait until the next mail. I said he would do very wisely, and, as far as that, I would give my opinion. Partly owing to the circumstances which have been explained this evening, and partly because two mails in succession missed, and three mails all arrived together, it was a long while before the letter from Lord Raglan, which was in the first mail, came to hand. At the last moment before it arrived Mr. Parkinson came to me about the publication of the letter, which he said he would not publish, and I certainly now regret that I went a point beyond my duty in saying to Mr. Parkinson I would endeavour to hold him harmless with Lord Lucan. I said to him, "I think you have acted most wisely as the friend of Lord Lucan; and, under the circumstances, I will comply with your request, and write a private letter to Lord Lucan, telling him I entirely concur in the course you have taken." That letter was written in great haste, and, to the best of my belief, I have no copy of it; but I have no objection whatever to the noble Earl producing it. It was in that letter I used the expression which the gallant Earl has quoted, that his letter was in itself calm and temperate; but I went on to state generally, that any military man acting under a Commander in Chief placed himself in an improper position by volunteering a controversy with him of that description. I do not pretend to give the words, but I am sure I give the general substance and purport of that letter. It contained a simple opinion that Mr. Parkinson had acted properly; secondly, that I considered the noble Earl's letter calm and temperate; and thirdly, though it will not bear the construction put upon it by the noble Earl, that to publish the letter before he was attacked would be acting imprudently and improperly.

Motion *agreed to;* and Ordered accordingly.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, March 19, 1855.

MINUTES.] NEW WRIT.—For Cavan, *v.* The Right Hon. Sir John Young, bt., Chief Commissioner of the Ionian Islands.

PUBLIC BILLS.—1° Metropolis Local Management.

2° Burial Grounds (Scotland).

THE NEW ORDER OF MERIT—QUESTION.

CAPTAIN SCOBELL said, he wished to ask the noble Lord at the head of Her Majesty's Government whether Her Majesty's Government had decided to recommend the institution of an Order of Merit; if so, whether such Order was intended to be a new and distinct one, restricted to the military and naval services, and applicable to every grade therein; and whether it was determined to bring such Order of Merit into prompt operation?

VISCOUNT PALMERSTON: Sir, in reply to the question of the hon. and gallant Member, I beg to state, that it is the intention of Her Majesty's Government, as was stated on a former occasion in the other House of Parliament, to establish an Order of that description. Of course, it will apply to both services, because we hope that merit will be equally prominent in both. The particular arrangements of that institution have not yet been settled. Information has been sought in other countries in which a similar institution exists, and, until that information is obtained, the Government cannot frame the regulations under which the Order will be distributed.

NEWSPAPER STAMPS, ETC.

Order for Committee read.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I am come down to the House prepared to introduce the Resolutions with regard to newspaper stamps; but although the statement of the views of Her Majesty's Government may be made on the Resolutions, yet as the Bill which I shall ask permission of the House to introduce is not yet in the hands of hon. Members, it will be perhaps inconvenient to enter into a debate upon the question at present; if, however, it be the wish of the House there should be a debate, I would reserve my statement till the second reading. If, on the other hand, the House is willing to listen to my statement and to postpone the debate until the second reading I shall be happy to make that statement now.

Mr. DISRAELI: I think, Sir, that it would be very convenient that the House should be favoured with the statement of the right hon. Gentleman, because there is considerable obscurity as to the exact meaning of the Resolutions.

House in Committee.

The CHANCELLOR of the EXCHEQUER: Mr. Bouverie, in the year 1851 a Select Committee was appointed, upon the Motion of my right hon. Friend the Member for Manchester (Mr. Milner Gibson), to inquire into the question of newspaper stamps. That Committee examined many witnesses, they investigated the entire subject in considerable detail; and they embodied the result of their inquiry in a Report, which concludes with the following passage—

> "In conclusion, your Committee consider it their duty to direct attention to the objections and abuses incident to the present system of newspaper stamps, arising from the difficulty of defining and determining the meaning of the term 'news;' to the inequalities which exist in the application of the Newspaper Stamp Act, and the anomalies and evasions that it occasions in postal arrangements; to the unfair competition to which stamped newspapers are exposed with unstamped publications; to the limitation imposed by the stamp upon the circulation of the best newspapers; and to the impediments which it throws in the way of the diffusion of useful knowledge regarding current and recent events among the poorer classes, which species of knowledge, relating to subjects which most obviously interest them, calls out the intelligence by awakening the curiosity of those classes."

They then proceed to say—

> "How far it may be expedient that this tax should be maintained as a source of revenue, either in its present or in any modified form, your Committee do not feel themselves called upon to state; other considerations, not within their province, would enter into that question. But, apart from fiscal considerations, they do not consider that news is of itself a desirable subject of taxation."

My right hon. Friend followed up the subject in subsequent Sessions; and in the last Session he brought forward a Resolution, which, after a debate, was carried by the unanimous vote of this House. That Resolution was in the following terms—

> "That it is the opinion of this House that the laws in reference to the periodical press and newspaper stamp are ill defined and unequally enforced; and it appears to this House that the subject demands the early consideration of Parliament."

This Resolution having been unanimously agreed to by the House last Session, the question naturally came under the consideration of Lord Aberdeen's Government during the recess, and the subject fell necessarily within the province of my right hon. Friend the Member for the University of Oxford. The plan which he submitted to the consideration of the Government is now before the House. It involves, substantially, the abolition of the newspaper stamp as a compulsory stamp. The reasons which pressed upon Lord Aberdeen's Government at that time were partly the unanimous resolution of the House of Commons during the last Session, and partly the anomalous state of the law which had grown up of late years under the administration of the Board of Inland Revenue. That anomalous state of the law, which was fully investigated by the Committee of 1851, grew out of relaxations which had been introduced for the purpose of meeting the views of a species of periodical publications which are now known by the denomination of class newspapers. The first case, as I understand, in which a relaxation was admitted, was that of the *Literary Gazette*, a paper which merely contained critical notices—mere reviews—and was not a newspaper within the strict meaning of the act. It was found, however, by the managers of that periodical that it would be convenient that a portion of its circulation should enjoy the privilege of the stamp, in order that it might be transmitted through the post-office. Accordingly, a few lines of political news were introduced in order to qualify it for the newspaper stamp. In that manner the principle was introduced of partly stamped and partly unstamped publications. That principle was afterwards extended to a large number of periodical publications relating to subjects which interested particular classes—such, for instance, as the members of different professions. There were publications relating to law, to medicine, to architecture, to horticulture, and to various other subjects; and in all those cases the rule was established that they should not be considered as newspapers subject to the compulsory tax, but that a portion of the impression might be stamped for the convenience of transmission through the post-office. After a time, a portion of those periodical publications introduced news in the proper sense of the word. It was not political news, but it was literary news, or it related to legal, medical, or other professions; and there can be no doubt that, according to the strict construction of the law, a large number of the class publications which enjoyed a partial immunity from the stamp were newspapers within the meaning of the law, and were liable to a penalty if any portion of their impression were unstamped. The relaxation had, however, been established; and this was the state of practice which my right hon. Friend found in existence during the last recess, when the subject came under his consideration.

If the Government had decided to disregard the unanimous resolution of the House, and to attempt to enforce the law strictly against these class publications, in order to make its administration uniform instead of anomalous, they must have directed numerous prosecutions to have been instituted against this class of newspapers, or they must have come to Parliament for a Bill to render the existing law more stringent and severe. My right hon. Friend decided—and, in my opinion, he exercised a very wise discretion—not to attempt to render the law more stringent, but to relax it, and, at the same time, to make it uniform. The plan which I am about to submit to the Committee is identical in substance and principle with that of my right hon. Friend. The details are not identical, but the plan is founded upon the self-same principles; and whatever credit may belong to it will be due to him, and not to me. The Bill which I shall ask permission of the House to lay upon the table, if these Resolutions shall be agreed to, is based upon the following principle—to abolish the legal definition of a newspaper, and to extend the existing rules respecting newspapers to all printed periodical publications which appear at intervals not greater than thirty-one days. In the case of all periodicals falling within that definition, the present penalty for the publication of any newspaper without a stamp will be repealed, and it will be optional with the proprietors of any such periodical either to stamp any portion of their publication, or to leave it altogether unstamped. If they come to the Stamp-office and apply for stamped sheets upon which to print any portion of their impression, they will be subjected, in respect to the sheets so stamped, to precisely the same rules with respect to superficial contents as existing newspapers are subject to. That is to say, that the first sheet may contain 2,295 superficial square inches covered by a 1*d.* stamp, and the second sheet may contain 1,148 square inches, covered by a stamp of one halfpenny. In this respect I propose to make no alteration, but simply to extend the present limit of superficial contents to all periodical publications which shall appear within intervals of thirty-one days. With regard to all periodical publications which shall stamp any portion of their impression, I propose that they shall be subjected to the present rules respecting registration and sureties. Those rules are to the following effect:—Any person now desirous of publishing a newspaper makes a declaration at the Stamp-office, and he furnishes a copy of every number of his publication, which is registered at the Stamp-office; and the production of it is at all times evidence of publication against the printer and publisher of that newspaper. I propose that the proprietor of any periodical who shall be desirous of stamping any portion of his impression shall be subject to that rule. With respect to the securities, every newspaper proprietor is at present bound in his own recognisance, and is obliged also to produce two sureties in London to the extent of 400*l.*, and in the country to the extent of 300*l.*, to answer any civil action or criminal prosecution which may be brought against him for libel. These are provisions in the existing law which I propose to retain with regard to all newspaper proprietors who shall stamp any portion of their publication. I will now state to the Committee the reasons why I propose to retain these provisions. It has for some time been the policy of this country to make newspapers, as distinguished from pamphlets and other publications which are not periodical, the subject of exceptional and separate legislation with regard to securities against the publisher in civil actions or criminal prosecutions for libel. The law with regard to those securities has been amended more than once, and with respect to that subject the policy of the country may be considered settled. It appears to me that this policy can be justified by sound argument, and that there is an essential difference between newspapers and pamphlets with regard to the subject of libel. A newspaper—that is, one of the periodical publications to which that name is generally applied—has an established circulation, which is immediate and to a great extent universal. It extends over the whole country, and is also nearly simultaneous, for, by means of the post, it is carried on the day of publication to almost all parts of the kingdom; the consequence of this is, that libellous matter published in a newspaper affecting any individual exercises a much more instantaneous and a much more detrimental influence upon his character than would be the case if such matter were published in a simple pamphlet. There are, no doubt, Gentlemen in this House who have had some experience in the publication of pamphlets, and who know the difficulty with which a pamphlet struggles into notoriety. A few copies are generally first distributed voluntarily, and attempts are made to gain publicity for the work, but those attempts are generally not very successful, and the publicity, if obtained at all, is slow of arrival, and very limited and partial in extent. Now, with regard to a newspaper, these conditions are reversed, for the publicity is immediate, simultaneous, and practically universal. For those reasons it appears to me to be wise and expedient that, with regard to newspapers, securities should be imposed which are not applicable to other parts of the press; and, therefore, I propose to retain the regulations with regard to sureties. But there is another reason. By the original act which established these sureties they were limited to actions for blasphemous or seditious libels, and the measure was introduced as a protection to the Government. It was found, however, that these were valuable securities which might be extended to the public; and accordingly, by a subsequent Act, actions for libels on private individuals were brought within the same provisions; and the consequence is, that any private person is at the present day protected against libel by the proprietor of a newspaper being compelled to enter into his own recognisances, and also to find sureties to answer actions for libel brought against him. If, therefore, the provisions to which I have adverted were repealed, not only would the security which at present exists for the preservation of good order—whatever its value may be—be removed, but also a most valuable and effective security for the respect of private character would be taken away. For these reasons, then, I propose to retain the existing provisions on that subject in the Bill which I shall have the honour of submitting to the House, so far as regards all periodicals which, by publishing a portion of their impression stamped, may bring themselves within the provisions of the Bill. I may state, however, that the provisions with regard to sureties do not form any essential or necessary part of the plan which I propose, and as far as I am officially concerned, they will not in any way affect the interests of the public exchequer; but they rather form part of the criminal and civil law now existing: and, as they appear to me to be founded upon sound policy, I have included them in the measure which I hope to introduce into this House.

Now, Sir, I have stated in general terms the nature and effect of the plan which I propose. The effect will be to legalise generally what at present is only tacitly sanctioned with respect to the publication of class publications, such as the *Athenœum*, the *Builder*, the *Medical Times*, the *Medical Gazette*, and others of that description. Such papers will be admitted by law to the same indulgence which they now possess, and will be authorised to follow the method of publication which they now frequently practise in defiance of, or at least unsanctioned by, the law; that is, their proprietors will be permitted to publish their impression on a stamp or not, as they may think fit. The same legislation will be further extended to the rest of the periodical press. The political newspapers, such as *The Times*, *The Morning Chronicle*, *The Herald*, *The Morning Advertiser*, and others, will be subject to the same rule, and be permitted to stamp that portion of their impression which they may wish to transmit by post, and to publish that portion which is independent of transmission by the post without a stamp—just as they may find it for their interest to do. Beyond these changes I do not propose to go. The Bill which I propose to introduce will be confined to the change to which I have referred.

And now, with the permission of the House, I will proceed to examine certain objections which have been made to this plan, and which have been represented as fatal to its operation. One of these objections is, that it will produce great confusion in the printing establishments if a portion of the impression of a paper has to be printed on stamped and the other portion on unstamped paper, and that the consequence of that confusion would be a loss to the proprietors of newspapers. Now, Sir, I have used my best endeavours to ascertain, as far as I could, if there is any foundation for that statement, and I will inform the House of the results of my inquiry. It appears from a return which has been laid before this House on the Motion of my hon. Friend the Member for Westminster (Sir J. Shelley) that the number of what may be called class papers amounts to 137, and the business of all of them is conducted by a mixed circulation of stamped and unstamped copies, and as no complaint has ever been made in the case of those publications, which may be called *quasi*-newspapers, the presumption appears to me to be that there is no real practical difficulty in printing and publishing the mixed circulation of stamped and unstamped copies we propose. One of the principal periodicals which publishes a portion of their impression stamped, and the remainder unstamped, is that publication so familiarly known to all the Members of this House—I mean *Punch*. In the year 1854, 425,000 stamped copies of that periodical were published; and I understand that, out of a weekly circulation of about 40,000 copies, 8,000 are published on stamped paper, and 32,000 are unstamped. I have had an interview with the manager of that publication—not to make inquiry as to how his interesting publication is compiled, but to obtain some information as to the economical branch of the establishment. That gentleman told me that there was not the least difficulty with regard to the printing of the paper, and that the mixed nature of the circulation did not give rise to the slightest confusion, nor was there any loss to the proprietors in consequence of it; and he describes the difficulty which had been represented to me to exist as perfectly imaginary. I made further inquiry of the manager of the *Athenæum*, a paper which is also printed, partly on stamped, and partly on unstamped paper, and I found that 3,000 copies of that paper are printed on stamps, and 4,200 are published unstamped; and the gentlemen connected with that paper told me that there was no practical difficulty or loss in conducting that paper with the mixed circulation, although the demand for stamped copies was affected by various circumstances—such as the absence from London in the summer of persons usually resident there when there exists a much greater demand for stamped copies to be sent by post than at other periods of the year; yet those temporary variations are easily adjusted, and neither confusion nor loss occurs. I further consulted the proprieter of the *Illustrated London News*, a gentleman of great experience in the management of newspapers, and who has brought the circulation of that paper up to 140,000 a week; and that gentleman gave me his confident opinion that no difficulty would arise in the case of his paper, or in that of any daily paper, from the adoption of a mixed system of stamped and unstamped impressions.

But, Sir, another objection, and that of a more serious character, has been brought under my notice by various persons, who have described the proposition to repeal the compulsory newspaper stamp as one which would be most dangerous to society. It has been described as a measure which will open the floodgates of sedition and blasphemy, and which will inundate the country with licentious and immoral productions, which will undermine the very foundations of society, and scatter the seeds of revolution broadcast over the land. These expressions are not exaggerated representations of the opinions which have been communicated to me from many quarters since this measure has been under my consideration. I regret to say that my right hon. Friend the Member for the University of Oxford is looked upon as an accomplice of the Government in this wicked and dangerous design. I need not state that, if Her Majesty's Government believed that there was any foundation for these views, or for any appreciable fractional part of these views, they would not propose the measure which I am now submitting to the consideration of the Committee. They have the greatest confidence in the stability of our political institutions, in the soundness of our social system, in the loyalty and good disposition of the great body of the people; and they do not believe that increased facilities for public discussion through the press will lead to any such consequences as some have apprehended. But, Sir, we are not left merely to conjecture, or indirect evidence, with respect to the conduct and character of a cheap unstamped press. There is already in existence a large class of publications which, not containing news, are exempt from the stamp, are printed at a very cheap rate, and circulate most extensively through the country. Now, though these publications do not contain news, yet, if it were true that the people of this country have so insatiable an appetite for immoral and licentious reading as some seem to ascribe to them, they would possess a very different character from what they actually exhibit. I beg to call the attention of the Committee to the names of some of these publications. There is the *Illustrated*

News, which is sold for 6*d*., and circulates no less than 140,000 copies per week, and although it is published only hebdomadally, I think it is second, or nearly second, in point of circulation to *The Times*. The *Illustrated News* is so very well known a publication that I need scarcely say its contents are perfectly unexceptionable, and that it obtains a willing admission to every family in the kingdom. But there are other periodicals that are unstamped which are sold at a lower price, and which circulate widely among the poorer classes. One of these is a periodical of which I confess that I never heard the name until recently, and perhaps the same may be the case of some other Members of this House; I mean a penny weekly publication called the *London Journal*, and which, I am assured by very sufficient evidence, circulates 510,000, or more than half a million copies, per week, or equal to 26,520,000 per annum—a circulation, exceeding by 10,000,000 that of *The Times*, though it appears only once a week, whereas *The Times* is published six times in the week. I have examined certain numbers of this periodical, and find that it somewhat resembles the *Penny Magazine*, which was well known several years ago. The *London Journal* appears to be unexceptionable in point of morality; its matter may not, indeed, be of the most instructive character — it is in fact, rather amusing than instructive — but certainly, it does not at all correspond with the very frightful picture of cheap periodicals which has been drawn to us by the objectors to the repeal of the compulsory stamp. There is another publication, similar in its character —the *Family Herald*—which circulates about 240,000 weekly, or at the rate of 12,500,000 per annum. It is also somewhat analogous to the *Penny Magazine*, which is now extinct, and which at one time had a circulation of about 200,000 copies per week. These facts must be considered as showing that the spontaneous taste of the poorer classes of readers in this country, as regards cheap unstamped periodicals at the present moment, leads them to prefer a species of literature wholly innocuous in its character, and quite free from all the dangerous elements which have been held up to our fears. Now, let us look to the reverse of the picture. Some years ago, I am informed, there were five or six publications in London of a different description from the foregoing. Among them were the *Town*, and others of a similarly licentious character. The illustrations they contained corresponded with their letterpress, and these publications obtained a certain circulation. But a gentleman who made an inquiry into this subject a few years since, and who recently completed his inquiry, assures me that the entire class of publications of this nature is now extinct; that out of five or six which he noticed a few years ago not one now remains in existence. It will be in the recollection of the House that there was likewise a higher class of publications of the same character as those to which I am now referring, comprising the *Age*, the *Satirist*, and the *Argus*, which enjoyed a considerable circulation some few years since, but they have now also ceased to exist. It may, I believe, be said with perfect truth, that no immoral or licentious publication has a long life, or obtains an extensive circulation. Another objection made to the proposed change is, that there would be one press for the rich and another for the poor; that there would be one description of newspapers intended for wealthy readers and for the upper classes of society, and another description of cheap newspapers designed for circulation among the working classes. Now, to a certain extent, that state of things already exists. There are newspapers now enjoying a very wide circulation which are printed at a cheaper rate than the ordinary daily and weekly papers, and whose principal circulation lies among the less wealthy classes of the people. Two of these journals are called *The News of the World* and *Lloyd's Weekly Newspaper*, and they have the largest circulation after *The Times*. This extensive circulation they owe to the fact that their price is 3*d*., instead of 5*d*. or 6*d*.—the preference they enjoy in the newspaper market being solely attributable to the lower rate at which they are sold. But even if two kinds of newspapers should be established to a certain extent, it may be doubted whether there will be any reason for regretting it. If the taste of the poorer classes of readers prevents them from enjoying and perusing those newspapers which are prepared for a different class of readers—if a class of newspapers grows up which is intended to meet the wants of the working classes—and if those newspapers are moral and useful in their tendency, it may be regarded as an advantage that they should circulate among that portion of society. We are not to assume that the class of newspapers which may be addressed to the working people will be tainted with any immoral or anti-social doctrines; and at all events those persons who devote themselves to the moral, religious, and intellectual improvement of the people, and to the diffusion of sound opinions among them, will here find a field for their philanthropic exertions, and will be able to counteract any mischievous or anarchical principles which may be disseminated through channels of this description. The present necessity of imposing a stamp on every copy of a local newspaper is frequently attended with detrimental effects; and, in illustration of the mischief and injustice occasionally produced by the existing law, I will take the liberty of quoting an extract from a letter published by the noble Lord the Member for Lynn (Lord Stanley) relating to this subject. He says—

> "I have by me a small advertising sheet which appears in a neighbouring town (to save the law) monthly; and which, but for the operation of the law, would probably appear fortnightly, if not weekly. Its weight, to judge by the quantity of paper which it contains, does not exceed 1-20th that of *The Times* when the latter appears with its full 16 pages of print. . . . . The little local journal to which I have referred does not want the Post Office at all. If living in a town, I wish to send out 1,000 copies of a circular, I should certainly find it cheaper and more convenient to hire a messenger to distribute them than to pay 4*l.* 3*s.* 4*d.* for their circulation by the local post. In this case Government allows me the option. But if I issue a weekly or fortnightly circular, in the shape of a newspaper, I have no similar freedom of choice. Whether I use the postal arrangements which Government has provided, or dispense with them, is immaterial to the State; but in either case I must pay equally."

Now, under the regulations which I propose, it will be optional for the publisher of any local journal, such as the noble Lord has described, to stamp one portion of his impression, and to leave unstamped such copies as he may wish to circulate by messenger. Thus, if it is any convenience to him to stamp any portion in order that it may pass through the post, it will be perfectly competent for him to do so. At the same time, having shown that the publication of local newspapers will be greatly facilitated by the removal of the stamp, I must express a doubt whether any considerable number of such new newspapers will spring into existence. No newspaper can obtain any considerable circulation unless it be a good medium for advertisements. It is by the advertisements that the large and well-conducted newspapers are maintained, and it is out of the profits of advertisements that the deficiency in the expenditure of these newspapers is supported. Now, Sir, small local newspapers are never a profitable vehicle for advertisements, and, therefore, such a newspaper can never become, in the proper sense of the term, a good newspaper. The established provincial newspapers, having large capital and extensive circulation, are already in possession of the market, and, having a wide field now open before them, and enjoying the preference of the advertising public, they will enter into competition with small local newspapers on the most advantageous terms. And I confess I think that the advent of the newspaper Utopia which the right hon. Gentleman the Member for Manchester (Mr. Milner Gibson) anticipates, as soon as the stamp is taken off, is yet far distant. I do not expect that a great number of new newspapers will be established if the stamp duty is removed, but, at the same time, if any such demand for a new class of newspapers should exist, the reality of that demand will be tested by the facilities for their establishment which the change in the law will bring.

Another objection to the measure—an objection which has been mentioned in the other House, and which must have occurred to my right hon. Friend my predecessor in office, as it occurred to myself—is the loss of revenue which will be entailed by the proposed changes. Now, Sir, if we had at this time a surplus revenue, and if the expenditure of the country did not greatly exceed its ordinary revenue, the newspaper stamp would have a fair claim to be considered in any plan for repeal or readjustment of taxes, and those who object to it might claim that its repeal should have precedence in any financial scheme. This, however, is not the present financial state of the country, and, if the House should decide in favour of this measure, it would be my duty to call upon them to provide for the deficiency of the revenue which might thereby be occasioned by some other mode of taxation. The present stamp duty on newspapers produces to the revenue rather more than 400,000*l.* a year, and it is estimated that a measure for repealing the compulsory stamp will entail a loss of 200,000*l.* per annum. At the same time, there are some facts which may lead to the inference that, after the compulsory stamp shall be repealed, the newspapers will continue to print a considerable portion of their impression upon stamped paper. I will, with the permission of the House, state some facts relative to *The Times* newspaper, which will throw some light on this part of the question. The circulation of *The Times* is 59,000 per diem; of these, 33,000 are distributed by news-agents in London, and 26,000 go into the country, of which about 22,000 are conveyed by railway trains, and 5,800 by post. About three-fourths of the copies of *The Times*—and of this I am assured by excellent authority—ultimately pass through the post, most copies three or four times. Although the number of copies which leave London and are distributed by the newsagents is so large, yet I am assured that, altogether, at least three-fourths of the entire impression of *The Times* ultimately pass through the post. Such is the convenience of the postage stamp. I have been further assured by a deputation of provincial newspaper proprietors that about two-thirds of the country papers are sent directly through the post, and that about half the remaining third are afterwards sent, making altogether about five-sixths which pass through the post. These facts lead to the inference that the present stamp is found to be a convenience in the transmission of newspapers, and that, even if it ceased to be a compulsory stamp, a large circulation of stamped newspapers would, nevertheless, take place. Moreover, if the alteration of the law should lead to a large increase in the number of newspapers, the addition in the circulation would produce such an increase in the paper duty as would in some degree compensate for the loss of revenue in the stamped circulation of newspapers. It is my duty to inform the House that the estimate of persons of authority as to the loss of revenue must not be taken to be less than 200,000*l.* Such a loss of revenue is, no doubt, inconvenient at the present moment. On the other hand, the House will bear in mind that to refuse to repeal the stamp would be to recede from the unanimous resolution which it agreed to last Session, and will render necessary the passing of some measure declaratory of the law. Indulgences must be withdrawn, and the House must consent to the adoption of stringent measures for collecting the newspaper stamp.

I have heard it argued, and it has been suggested to me since the Resolutions have been laid upon the table, that the plan would be more perfect if it included all sorts of printed matter, and not merely periodical publications. That proposition, Sir, involves the question of a cheap book post. At the present time there is a cheap book post, and the payment of 6*d.* will enable a book of not more than 1 lb. to be carried by the post. That system has been established by a succession of Treasury warrants, and it is competent for the Lords of the Treasury to vary and modify the existing system, and to bring the present charges to lower rates than exist at present. Her Majesty's Government think that the question of periodical publications and their transmission through the post stands upon different grounds from the question of books and pamphlets, and that it ought to be kept separate. I admit, however, the importance of legislating with respect to the transmission of books and pamphlets by post, and, if it should meet with the approval of the House, I shall be ready to take that question into consideration hereafter, as a separate measure. I may, however, state one fact for the information of hon. Members, that, according to information given before a Committee which sat last Session upon postal communication, the following appears to be the comparative weight of the different class of articles carried by the post:—Out of 100 parts, letters formed 13 per cent; books, 2 per cent; newspapers, 76 per cent; and the mailbags as much as 9 per cent. So that, judging by weight, newspapers now form by far the largest portion of the articles conveyed by post. The books only form 2 per cent; and therefore, if anything like equality and correspondence is to be established between books and newspapers, some new regulations must be hereafter established with regard to books and pamphlets.

Having thus explained the intentions of the Government relative to the newspaper stamp, I beg leave now to move the following Resolutions:—

"That it is expedient to amend the Laws relating to the Stamp Duties on Newspapers, and to provide for the transmission by Post of printed periodical publications.

"That any periodical publication, to be entitled to the privilege of transmission and retransmission by the Post, shall be printed on paper stamped for denoting the Stamp Duty imposed by Law on a Newspaper, printed on the like number of sheets or pieces of paper, and of the

> like dimensions, with respect to the superficies, of the letterpress thereof.
>
> "That printed Newspapers (British, Colonial, or Foreign) shall be transmitted by Post between places in the United Kingdom and Her Majesty's Colonies, or Foreign Countries, or between any ports or places beyond the Sea (whether through the United Kingdom or not), either free of Postage, or subject to such rates of Postage, not exceeding 2*d*. for each Newspaper, irrespective of any charge for Foreign Postage, as the Commissioners of the Treasury, or Her Majesty's Postmaster General, with their consent, shall from time to time think fit."

MR. GLADSTONE: Sir, I have listened with great interest to the very elaborate statement of my right hon. Friend the Chancellor of the Exchequer, and I entirely agree with him in the opinion he seems to entertain, that it would be better that the Bill should be printed and laid before the House, and that there should be some brief opportunity at least of giving it consideration before we enter into any full discussion of its merits, or into any comparison between the particular provisions of my right hon. Friend's measure and of that which I had the honour of introducing. Parental partiality, probably, renders me an unfair judge on this subject, but I cannot deny that I regard with regret the changes which my right hon. Friend has introduced into the plan as originally framed. At the same time, in considering a measure of this kind, I think it is our duty, as Members of this House, to ask ourselves, not so much whether the measure that is proposed is in all respects conformable to our own wishes and predilections, or even whether it is the best that in our opinion could be submitted to Parliament, but whether, upon the whole, it goes so far in avoiding all existing difficulties of a serious and pressing character, and in introducing material and substantial improvements in the law, as to make it worth our while to recommend and promote its adoption by the Legislature. That is the principle upon which I desire to consider this Bill of my right hon. Friend's when it shall have been laid upon the table. There are, however, one or two points in the measure proposed by my right hon. Friend upon which I wish to say a word. I confess I was very glad to hear my right hon. Friend signify, towards the close of his speech, that he was not indisposed to give a favourable consideration to the proposal, provided it appeared to be in accordance with the wishes of the House, to introduce into his Bill, not a qualification or alteration of the measure, but simply an extension of it, which would establish a moderate and low tariff for printed matter in general. I certainly think that such a regulation would be a most valuable addition to the Bill, and would in no respect interfere with the principle which my right hon. Friend proposes to establish. I can conceive no reason whatever why newspapers or periodicals published within thirty-one days should enjoy privileges that are denied to the feebler means and resources of those who may occasionally, or under particular circumstances, wish to give the public the benefit of their thoughts in print. With respect to one serious portion of this question to which my right hon. Friend adverted—namely, the effect of his measure upon the revenue—I would remind him that the introduction of a low and moderate postage tariff for printed matter of all descriptions would materially tend towards indemnifying him for the loss he is likely to sustain by the abolition of the compulsory stamp. I have no scruple in adverting to this point, and I may remind the House that, although the present tariff for the transport of books by post is not immoderate when it is applied to the case of what may fairly be called books—I mean works of considerable bulk, such, for instance, as the *Quarterly* or *Edinburgh Review*, which approach the weight of a pound—yet, so far as pamphlets are concerned, it is little less than a prohibitory duty. Indeed, it would very commonly better answer the purpose of those who wish to circulate pamphlets through the post to send them as letters, subject to the letter postage, than to avail themselves of the existing tariff for the transmission of books by post. I think, therefore, there is every necessity for an alteration in this respect. With regard to my right hon. Friend's definition of periodicals, I do not intend to enter into that part of the question at present, but, if I understand his resolutions rightly, it appears to me that the only periodicals which would be able to avail themselves of his proposition would be periodicals that conform, in a certain degree, to the arrangements of newspapers, and particularly periodicals that are limited to a couple of sheets. I must confess I apprehend that this regulation will be found materially to limit the beneficial effect of my right hon. Friend's measure, and, if so, it will be an additional argument for his adopting the proposal that greatly increased facilities should be given for the circulation of printed matter of all descriptions whatsoever, whether periodicals or otherwise, by post. The next point I wish to mention is one to which I advert with greater unwillingness, but upon which I differ from the views of my right hon. Friend. He has announced his intention to propose that the use of the impressed stamp, which is to convey the postal privilege, shall be conditional upon a registration that is to entail the necessity of giving of securities. Now, it is quite true that at the present moment we have a law of this kind in operation. It is quite true that if a tradesman at the present time carries his circular to the Board of Inland Revenue he obtains the postal privilege on the condition of his declaring his circular to be a newspaper, although, if the Board of Inland Revenue were aftewards to prosecute him for not stamping his entire impression, he would be entitled to go into a Court of Justice and there to contend that that was not a newspaper which he himself had declared to be a newspaper in order to obtain the postal privilege for part of his impression. Now, the declaration thus made undoubtedly entails upon him the condition of giving securities; and at present, if a tradesman thinks he can supply his customers and the public with any given article upon such terms that it is worth while to advertise his prices from time to time, and if his ambition has so wide a range that he wishes to make them known, not only in the place where he may live, but throughout the country, it is necessary for him to register his circular or advertisement sheet, or whatever it may be, as a newspaper, and to give security that he will not print therein any blasphemous or seditious libles. Undoubtedly this is the practice under the law as it stands; but I must confess my belief always has been that this was one of the anomalies and absurdities of the practice which induced the House during the last year to do what it is not very apt to do, and what I think it most wisely eschews doing—namely, to pass an abstract Resolution to the effect that the law ought to be altered. My right hon. Friend proposes that this condition of giving securities shall be retained, but that it shall be retained not as a condition of publishing a newspaper, but as a condition of the postal privilege. But, is it possible for this House to embody permanently in one law a regulation founded upon such a basis? It is perfectly intelligible if a man tells me that securities ought to be given by those who publish newspapers. There certainly may be differences of opinion upon that subject, some parties may think that these securities are highly important for the protection of public order or of private character. I confess that I am not of that opinion. My belief is, that securities have this effect—they provide that if the man who has given them commits an offence against the law, and the party whom he has wronged proceeds against him in a Court of Justice, the man who has committed the wrong shall have the means of paying counsel and attorneys to defend him. This I believe to be the first effect of these securities. That is a question of policy, but what question of policy, or what intelligible object or motive can be connected with the retention of securities as a condition of postal transmission? Why, if these securities are important at all, they are important as a protection, not to public men, not to Ministers of the Crown, or to members of this House, but to the private characters of individuals. Now, where is it important to defend private character? Why, within the particular sphere where each man is known; but if you are to say to a clergyman in Devonshire, "we will take care you shall not be libelled in Northumberland, where the people know nothing about you, but you may be libelled *ad libitum* by the newspapers published in your own town—we will allow you to be libelled in that part of the country where it is material that you should have your character defended, but we will prevent you from being libelled in a part of the country with which you have no connection or concern"—it is plain that you place your law upon an irrational basis, and my right hon. Friend will run great risk of not attaining the object he has in view, namely, that of effecting a complete and final settlement of this long-vexed question. There is another point which is not a matter of indifference to me, namely, the question of copyright, for the protection of literary property in newspapers. I do not wonder, so far as we know any thing of the plan of my right hon. Friend from his explanation to-night, that he has not included in his Bill any clauses upon this subject. I think, indeed, it is a matter with reference to which it would be very difficult to devise a plan. At the same time I am under the impression that the proprietors of newspapers, in many cases, entertain great anxiety that the provisions of the law with respect to the protection of literary property should undergo special consideration, and should, if practicable, receive some extension with a view to the protection of literary property in newspapers. Undoubtedly, so far as the article that is most strictly called "news" is concerned, for instance, the communication of facts, which may generally be comprised within a very brief space, and the language, the outward shape and form of which can be varied almost at will, I do not know how you are to introduce any further provisions than the law at present contains; but I have understood from some persons who ought to be well informed on the subject, that the great anxiety of those who think this question worth consideration in the press as it stands, is not so much directed to the protection of their "news," strictly so called, which, in point of fact, it would be very difficult to protect, as to the protection of what may more fairly be called their literary composition—for example, the leading articles in their newspapers, and, especially as regards the London press, the communications of their foreign correspondents. Now I, for one, am very anxious that, either in the plan of my right hon. Friend, or in some other effective form, this question should be brought to a settlement. I think what my right hon. Friend has stated to-night must suffice to convince the House that the question now before them is not whether or not you will have a cheap press. You have got your cheap press at this moment. London is already inundated with these cheap weekly prints. My right hon. Friend has told us of one single publication in London which now issues some 510,000 copies a-week, and of another which prints at the rate of 240,000 a-week. Here, then, are upwards of 34,000,000 copies of two publications alone printed annually in this metropolis. How many more similar publications there may be we have no means of knowing; but I apprehend that this statement is far from representing the actual number. You have then your cheap press established in the country. If it does not exist throughout the country, it is certainly established in the great centres of the population, and, above all, in London; and, as I have just observed, London is already inundated by these weekly prints. By the present frame and structure of your laws, you prevent the insertion, in these publications, of what may be considered discussions upon public events, or the statement of public news; and the question for the House to decide is, not whether it is expedient to have a cheap press or to prohibit a cheap press, but rather when you have got a cheap press, whether you will give to the promoters of that cheap press the means of providing the people with intelligence of the events in which we are all so deeply interested, with intelligence relative to the working of our institutions and the passing of our laws, or whether you will drive them to what is petty and paltry, to cramming their columns with novels and romances,—whether you will preclude them from affording that information which really forms the worthiest material for consideration and reflection, or whether you will allow a fair competition between public news, as we understand it, and those inferior materials to which it is the tendency and effect of the present law to confine the conductors of these publications. Determined as I am to do all in my power completely to set free the press—whether it be a cheap or a dear one—for the handling of public events and news of all kinds, and to apply to this subject those principles of free commerce which have been extended with such efficacy to the general mercantile transactions of the country, yet, I fully admit that, so far as literary compositions are concerned, we now find them in our existing press of a high standard and of very great value, and that the principle of protection to those compositions is a perfectly fair and just one. I am not prepared to say, and indeed it would require one more skilled in the law, and better acquainted with the whole facts of the case, and the feelings and interest of the parties concerned than I am, to point out in what form this could best be done. I do not venture to prejudge this question, but I would venture to express a hope that, in endeavouring to carry out the principle of the freedom of the press, my right hon. Friend will not be indisposed to take into his favourable consideration any reasonable proposition which may be made to him for the improvement of the law of copyright, in order that we may not run any risk of breaking down that system under which the highest talent in the country is applied largely and advantageously devoted to supplying the public with intelligence and to the discussion of that intelligence. I must confess that I should regard the destruction of that system as a public misfortune—a misfortune which I am the less disposed to incur, because I do not look upon it as a natural or necessary consequence of the important measure of emancipation which is now contemplated by Her Majesty's Government. Of course I do not offer any opposition to these Resolutions. When the Bill of my right hon. Friend comes before us, we shall have an opportunity of discussing it, and I entertain a most confident hope that it will receive a candid and favourable reception at the hands of the House.

Sir FRANCIS BARING: Sir, I am not about to enter into the discussion of the Motion itself now before the House, but there is one part of the subject which I think the right hon. Gentleman the Chancellor of the Exchequer dealt with rather unsatisfactorily, and which the late Chancellor of the Exchequer (Mr. Gladstone) touched on still more lightly—I mean that part having reference to our financial operations. The Chancellor of the Exchequer stated with perfect candour that he apprehends that at least 200,000*l.* will be the loss on the measure proposed. Now, I do not pretend myself to draw an estimate different from my right hon. Friend, but I would remind him that Mr. Rowland Hill, in that Committee from whose labours he has derived the great part of his observations, stated—if my recollection serves me correctly—that the utmost he thought would be obtained by the adoption of a measure similar to that of the right hon. Gentleman would be 130,000*l.* Mr. Rowland Hill thought that that would be the maximum, but there has been some increase of income since, and I apprehend that you may count on the loss of about 250,000*l.* of revenue in adopting the proposed arrangement. The late Chancellor of the Exchequer said that he thought that by a cheap mode of carrying books by post you might obtain an additional sum of money; but I am afraid that our finances are in such a state that you must not neglect any mode of raising money; and you will have before long to consider, not only whether you cannot raise money by a cheap mode of carrying books, but by many other modes also which may be much less agreeable to the House and the country. The present Chancellor of the Exchequer, though not responsible for bringing forward the project at the present moment, yet, following the example of the late Cancellor of the Exchequer, has made this proposal at what I certainly think a very unfit time. I have repeatedly known—and perhaps I myself may have done what I am about to describe—that when hon. Gentlemen on different sides of the House have proposed arrangements entailing a loss of revenue, the Chancellor of the Exchequer for the time being has risen and advised them, in reference to Motions affecting the revenue, to wait until the financial statement should be made, and then they would know what sum of money there might be to dispose of, then a full and comprehensive view could be taken of the taxation of the country, and then they would know how to apply any sum of public money they might have to spare in the manner the most advantageous for the public good. These proposals were made and this advice given when you were sure that you had some surplus; but are you at all certain at the present moment that you have a surplus? The Chancellor of the Exchequer has fairly told you, that if you pass this measure he must of necessity propose some other taxation to compensate for the sum it is now proposed should be lost. Well, then, let us know what is the taxation which the right hon. Gentleman will propose in lieu? We all know, and no one better than the Chancellor of the Exchequer, that every tax is an evil in itself, and nothing in the world is so easy as to make a case against any tax you please if you consider it by itself. But you ought to consider it in reference and in comparison with other modes of raising money; and, though there can be no objection to allow the right hon. Gentleman to bring in his Bill, and lay his plan fairly before the House, yet we ought not to proceed to vote away 250,000*l.* of public money, until we have before us the whole state of the finances of the country, and are thereby able to take a full and comprehensive view of the subject. Therefore, I will not now enter further into the details of the plan which the Chancellor of the Exchequer has explained so clearly and candidly to the House, but if he proposes, after bringing in his Bill, to pass it before his financial statement is made, I am afraid that he will find me prepared, even if I should find myself in a minority of one, to vote for the postponement of the measure.

Mr. MILNER GIBSON: I think, Sir, that the right hon. Gentleman who has last spoken has scarcely placed this matter on its proper footing. This is not properly a fiscal question, though it does involve revenue considerations; but are we to be told that this country is so pressed in her finances as to be unable to meddle with a subject which incidentally involves 200,000*l.* of public revenue, when it is necessary to do so on grounds of public policy in order to avoid a vexatious system of prosecutions and difficulties of the most serious character to the press of this country? I quite agree with the right hon. Gentleman, that we must be careful in times like these in not abandoning sources of revenue; but I cannot see that we should take such an alarming view of the Chancellor of the Exchequer's proposition as to reject it on revenue grounds alone. I am sorry that the present Chancellor of the Exchequer has left out of his plan that portion of the late Chancellor of the Exchequer's scheme which would have compensated for the loss of revenue occasioned by the removal of the newspaper stamp, because, while on the one hand the late Chancellor of the Exchequer gave up the newspaper stamp, he on the other, by admitting for the first time all printed matter to be carried by the Post-office at the rate of a penny for four ounces, opened a new source of revenue, which, giving great convenience to the public, would also have compensated to some extent, the loss incurred by the abolition of the newspaper stamp. It is difficult to speculate to what amount this compensation would have reached; but as the whole loss of revenue was calculated at 200,000*l.* it is quite certain that a large portion of that sum would have been replaced by the postage rate for cheap printed matter, and, perhaps, even a larger sum might have been obtained than the 200,000*l.* about to be lost. Whether that would be so or not is, of course, a matter of opinion; but I hope the present Chancellor of the Exchequer will consider the proposition of the late Chancellor of the Exchequer, and add to his plan the proposal of a cheap rate of postage for all printed matter. It is a monstrous thing that *The Times*, for instance, weighing six ounces, or whatever else, is to be permitted for 1*d.* to be transmitted and retransmitted through the post for the term of our natural lives, and yet I may not send once through the Post Office a pamphlet for a 1*d.*, though perfectly willing to pay that sum for a single transmission. So far from any undue advantage being taken of the proposed change of the law by the transmission of improper publications through the post, I will venture to say that for one bad publication sent by post there will be 100 good publications circulated by it. There will for instance be religious tracts without number from philanthropic societies which at present have no means of distributing their productions throughout the country. With regard to the securities afforded by the present system, the right hon. Gentleman the Chancellor of the Exchequer has not correctly stated the law upon that subject. The liability to give securities does not apply to newspapers alone. Every person who publishes a pamphlet which comments on matters of Church and State and is sold at a less price than 6*d.*, and contains letter-press matter of less than 1,714 square inches, is bound to find securities, and also to declare that he is worth 400*l.* after all his debts are paid. At the present moment, no man in London, according to law, is at liberty to express an opinion upon paper, and publish the same at a low price and in a small size, unless he is worth 400*l.* after all his debts are paid. These are the provisions of the present law, but they are not enforced, except against newspapers only. But if the law is not enforced, can there be a better reason advanced for repealing it? Do I understand the Chancellor of the Exchequer that he intends to repeal only a portion of the law respecting securities; that he is going to retain them as against newspapers, and to abandon them as against other publications? If so I consider it would be very difficult for the right hon. Gentleman to show why that distinction should be drawn. With regard to registration which the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) proposed to abolish, I wish to observe that an effectual registration would still exist, because the Act of George III., which requires that every printer should put his name and place of abode to every printed paper, would still remain in force. Every printer is also required to keep a register of his employers, and is bound to produce it on an order being issued by a justice of the peace for that purpose. So that in point of fact, there would still be a full registration of any printed paper, and the means of tracing the persons who were responsible for its publication, even if the registration referred to by the Bill of the right hon. Gentleman (Mr. Gladstone) were abolished as that right hon. Gentleman proposed. I for one shall be extremely glad to give my support to the Resolutions proposed by the Chancellor of the Exchequer; at the same time I shall endeavour to add to those parts of the Bill which I think to be deficient, for I cannot say that I consider the measure as a whole to be so good as the one proposed by the right hon. Gentleman the Member for the University of Oxford.

Mr. JOHN MACGREGOR said, he would not then express an opinion on the comparative merits of the measure introduced by the right hon. Gentleman (Mr. Gladstone) and the Resolutions now proposed by the Chancellor of the Exchequer. He believed, however, that, by imposing a fixed charge on all printed matter transmitted through the post, the revenue would not gain back altogether so much as it would lose by the repeal of the present postal duty for such publications. However, the whole question was one on which the opinion of the country was greatly divided, as to whether the inconveniences of any legislation whatever might not exceed the advantages that could accrue from it. The great majority of the press were opposed to both the proposed measures, while he believed the people of the country generally would prefer the Bill of the right hon. Gentleman the Member for the University of Oxford to that now submitted to the House by the Chancellor of the Exchequer. There was great truth in what had been stated by the right hon. Gentleman the Member for Portsmouth (Sir F. Baring), that the House should take into consideration what were the wants of the country, before they consented to throw away any considerable amount of revenue. He looked with very great concern at the present state of the revenue; and it should have been one of the first duties of the Government to have submitted their budget to the House, in order that it might be known what were the means which the Government possessed to meet the largely increased expenditure which the exigencies of the war had imposed on the country. It was true that in consequence of the changes in the Government it had not been possible hitherto to bring forward any financial statement, but he did trust that in a very short period the budget of the Government would be laid before the House and the country for due consideration. He trusted especially—indeed he did not believe the Government could be so insane as to do so—that they would not resort to disturb the glorious policy of no duties, or very low ones, on articles the essential food of man; and certainly not to increase the duties on articles which, as necessaries, formed the consolation of every cottager's, labourer's, and tradesman's family: he meant the duties on tea, coffee, and sugar. They had done so already on a nutritious and wholesome beverage, good ale—and that very injudiciously, very unpopularly and unjustly.

Mr. WARNER said, he thought no time should be lost in repealing those absurd and mischievous laws which obstructed the circulation of news; but he entertained very great doubts as to whether this was the proper time for extending the postal privileges of printed matter. He would admit that in principle books were as much entitled to be circulated through the post as newspapers were; neither had any claim to postal privileges. If we could legislate *de novo* on this subject, it would be desirable to carry all printed matter at as low a price as possible, withous loss to the revenue. But in practice there was this difference in favour of newspaper. Through the clumsy legislation of past times they had acquired a claim to be carried at a price which he believed resulted in a positive loss, and though it might be exceedingly inconvenient to curtail these privileges, there could be no reason for extending them. It was, after all, a question of cost. He should be glad to hear from some hon. Member competent to give an opinion on this matter, whether any profits accrued to the revenue by the transmission of newspapers through the Post Office. If so, and it could be shown that books could be transmitted without loss, it would be a strong argument for extending to them the privileges of newspapers. But he feared this was not the case. The Post Office ought to be at least self-supporting. Whether the carriage of newspapers was remunerative or not, he should give his support to the Resolutions of the right hon. Gentleman the Chancellor of the Exchequer, in the hope that the House would repeal those obnoxious laws which now interfered with the circulation of news.

Mr. BENTINCK said, as this was not the first time a measure of the kind now proposed had been submitted to the House, it was impossible not to be in a certain degree influenced by a consideration of the quarter whence these Resolutions proceeded. He must confess that, between the Resolutions now proposed and those which were originally proposed by the late Chancellor of the Exchequer, although he could trace a strong family resemblance, still there appeared to him to be a considerable difference. He was not prepared at once, as a matter of course, to adopt the Resolutions which originally emanated from the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone). In saying so, it was not because he did not admire the brilliant talent and eloquence of the right hon. Gentleman, but he should certainly have had more confidence in any measure proceeding from that right hon. Gentleman if he could have placed more reliance on a remark which was made by him on a former memorable occasion. No doubt, the right hon. Gentleman was most sincere in the declaration he then made, startling as it was to him (Mr. Bentinck), when he heard the right hon. Gentleman declare to the House that his opinions were strictly of a Conservative character. He would not enter into any discussion as to how far the right hon. Gentleman was or was not able to make good that very singular statement. All he could say was, that when he heard the right hon. Gentleman make the statement, he could not help ejaculating a hope that men of his party might never be tinged or tainted by such conservatism as that which had been exhibited for some years past by the right hon. Gentleman. He could not agree with the opinion which had been expressed by several hon. Members, that the loss which was likely to accrue to the revenue in carrying out these Resolutions would be more than supplied by the transmission through the post of a new description of printed publications. He thought that the new description of publications which would be engendered by the adoption of the Resolutions would be so purely of a local character and possess so entirely a merely local interest that they would not obtain any distant circulation; therefore it was very doubtful whether they would at all increase the revenue, as far as their circulation was concerned. With regard to the other portion of the measure, it was premature to give any opinion. He could not, however, conceive the possibility of a Bill of the description indicated by the Resolutions of the right hon. Gentleman being adopted by the House without leading to the commencement of a revolution of the present established order of things connected with the press of this country. It must be the means of producing publications of a cheap description, in large districts of the country, of a totally different and of very inferior character to those which were now in circulation. The measure was most certainly divested of those guarantees against the improper use and the abuse of the press which at present existed. Therefore, he thought it incumbent upon the House, in passing the Resolutions of the right hon. Gentleman, to take care that some efficient protection be provided against the abuses that must be engendered throughout the country by the circulation of publications that had no sort of check upon them, and that were liable to be made use of in all quarters without being subject to any of those restrictions which were now imposed upon newspapers at present circulating throughout the kingdom.

Mr. KIRK said, he had repeated communications with newspaper editors and proprietors, and they unanimously condemned the Bill of the late Chancellor of the Exchequer, and were desirous that the present law should not be altered. He conceived that the existing law afforded as many advantages to the public as any measure could possibly give. He was not, however, disposed to offer any opposition to the Resolutions of the right hon. Gentleman on the present occasion, but he had felt it his duty to state what had been the communications made to him on the subject by those who were the most deeply interested in it.

The CHANCELLOR of the EXCHEQUER: I beg to assure the right hon. Baronet the Member for Portsmouth that I have maturely considered the financial consequences involved in this measure, and I have no doubt that my predecessor had done the same; but it must be remembered that this is not merely a fiscal matter, because, as I have already stated to the Committee, the existing law respecting the stamp duty upon newspapers has been brought into a most inconsistent and anomalous state by a succession of indulgences which were made for the benefit of a certain class of newspaper publications. The consequence of those indulgences is, that the greatest difficulty exists in the administration of the present law. The Board of Inland Revenue are perplexed by different publications which are set up, as it were, in defiance of the existing law. Frequent correspondence takes place between Mr. Timm, the solicitor to the Board, and the proprietors of various newspapers. Some of that correspondence has been from time to time brought under the consideration of the House; it is made the subject of complaint, and my hon. and learned Friend the Attorney General is constantly embarrassed in the administration of the law. Now, I will give to the Committee an example of the cases which arise. There was a newspaper published in Ireland called the *Commercial Journal and Family Herald:* it was a publication for the most part of a literary character, but it did not wholly exclude matters of intelligence; and a prosecution for printing it upon unstamped paper was instituted in the Court of Exchequer in Ireland. The jury, however, returned a verdict against the Crown, thereby intimating their opinion that, notwithstanding that the paper did contain some news, it was not a newspaper, the general contents being of a different character. The Irish Attorney General, being consulted, stated that, in his opinion, the verdict was not justified by the law, since the case was clearly within the provision of the Act of Parliament. Nevertheless, he did not recommend a renewal of the prosecution, on account of the difficulty in procuring a verdict in such cases. My hon. and learned Friend the Attorney General for England will be prepared, at a future stage of the Bill, to state to the House the practical difficulty which he finds in performing his duty in respect to the prosecution of newspapers, and the maintenance and administration of the existing law. If the House should decide that this revenue is not to be abandoned—and certainly it is not the office of the Chancellor of the Exchequer, at a moment when the expenditure exceeds the revenue, to press upon the House the abandonment of any source of revenue—then the Attorney General will be prepared to point out the difficulties which surround the execution of the present law; and it will be necessary to take proceedings against about 100 class publications, which, as they now publish literary, legal, medical, and other news which is interesting to various classes, but not political news, do strictly come within the terms of the Act of Parliament, although, by the indulgent interpretation which has been admitted, they have hitherto been exempted. I trust, also, if the House is pleased to reject this Bill, that it will be prepared to support the Attorney General in a rigid execution of the existing law, and, if necessary, to pass a declaratory Act or a subsidiary Act to remedy any defects in the law as it at present stands. I will now call your attention to another example of the difficulties which incumber the administration of the existing law. The solicitor of the Board of Inland Revenue, being examined before a Committee upon the subject of class publications, was asked why class publications were not subjected to the compulsory stamp? Inadvertently, instead of saying that they were exempted because they were addressed to a particular class of the community, he said that it was because they related only to one subject. In giving that reason, he made a slight error of statement. That error has now been taken up in different parts of the country, and a number of periodicals have appeared, such as the *War Telegraph* and the *War Times*, containing intelligence relating exclusively to the war, which they say is "one subject," and, so saying, set the Board of Inland Revenue at defiance. I hold in my hand a publication of that nature, called the *War Fly Sheet*, which is printed upon half a sheet of paper, and is sold at the price of one halfpenny. There is a note under the heading to this effect, "The *War Fly Sheet*, published in accordance with Mr. Keogh's rule of 1851, that a paper confined to one subject is not a newspaper; and, in spite of Mr. Keogh's change of opinion in the year 1854; for the purpose of ascertaining whether a proclamation from Somerset House has the same validity as an Act of Parliament." That is one of the difficulties which the present state of the law engenders. No doubt that publication is a newspaper practically subject to the compulsory stamp. At present, however, the circulation of *War Sheets* is not considerable; and, in the unsettled state of the law respecting newspaper stamps, the Board of Inland Revenue, I think in the exercise of a wise discretion, have abstained from directing prosecutions against that class of periodicals. If the House of Commons decide that the law is to be upheld, it will be for the Attorney General immediately to prosecute that class of periodicals. I mention these facts to show that we are now placed in a situation of great difficulty in upholding and administering the present law. It is not simply a question of whether we shall retain or shall not retain a revenue of 200,000*l.*, but it is whether we shall enter upon a crusade against a large portion of the existing newspaper press for the sake of enforcing a law which can only be enforced by means of the verdicts of juries, which are somewhat doubtful in their result. These are the reasons which have influenced the Government in the course which they have taken in bringing forward this measure, and it is for the Committee to determine whether they have exercised a sound discretion or the reverse.

Mr. GLADSTONE: I feel, Sir, that the chief part of the financial responsibility of this measure can rest upon no other person than myself; and, therefore, after what has fallen from the right hon. Member for Portsmouth (Sir F. Baring), I wish to add a word to what has been stated by my right hon. Friend the Chancellor of the Exchequer. He has pointed out, not only that the present state of the law is a theoretical absurdity, but that it contains practical difficulties which have reached such a pitch as to be entirely intolerable; that not only has it become utterly impossible for the gentlemen connected with the Board of Inland Revenue to discharge their duty to the public by enforcing the law, but that the cases which have occurred have been so glaring and so numerous as to bring all law into discredit. The very fact, also, of bringing the Government of the country into contact with persons under circumstances so disparaging, and of exposing them to questions in this House to which they are unable to make satisfactory replies, is a strong reason why Parliament should deal with this question. But, in defence of my right hon. Friend and myself, I must remind the Committee that it is the House of Commons which is principally responsible for the introduction of this measure. Last year, when I was absent, owing to indisposition, the discussion was raised by my right hon. Friend the Member for Manchester (Mr. M. Gibson) and others, not upon the suggestion of the Government, because the Government adopted a dissuasive tone in the matter; and it was rather in deference to the strong and unanimous opinion of the House that the Government gave way, and not because they thought that the proposition was either a wise or a prudent one. Now, what did the House do under the pressure of circumstances—what did both sides of the House think fit to do? At a time when the country was engaged in a war, when every Member of this House must have known that the demand for the year would exceed the provision which was made—liberal as that was—a Resolution was agreed to to the effect that the law with regard to newspapers was imperfectly defined and partially enforced. I am not one of those who think that a Member of this House, or a Member of the Government, should be compelled to do anything which the House might choose to require, and I may myself have on one occasion appeared to be contumacious in not at once acting in accordance with the expressed wishes of the House; but I may say that, greatly as I disapprove of the practice of passing abstract Resolutions, instead of dealing with practical plans, yet if the House chooses to adopt that course, and to lay down the opinion that a law should be altered, it is the duty of a Minister of the Crown to endeavour to give full effect to the expressed wish of the House, unless some obstacle of a serious nature should intervene; and therefore, to my mind, the question now is whether, under existing circumstances, the alteration proposed by the Government is for the good of the country. Now, I would ask the right hon. Member for Portsmouth whether he is able to suggest or to recommend any alteration of the law which is in principle different from the proposal made to-night by the Government, or from that which, a few weeks ago, I brought forward myself? Will any one stand up and say that he agreed to the Resolution which was passed by the House, but that in his opinion the law ought to be altered by enforcing the stringent definitions which at present exist or even by making them more stringent still? I have no doubt that any hon. Gentleman expressing an opinion on this subject will stand to the opinion he expresses; but if objection is to be taken to the present Resolutions on the ground that they refer to a financial and fiscal subject, whereas it is a measure in which the fiscal element is merely a secondary consideration, I must request those hon. Gentlemen who thus object on financial grounds not to shrink from declaring their opinions on the general policy of the proposal. I must ask them to point out to the Government what course they ought to have pursued in order best to give effect to the Resolutions agreed to by the House last year. It will not do for those persons who forced upon the Government the view that the law must be altered, to take financial objections to the measure now proposed, and to refrain from stating in what way they intended that an alteration should be made in the law when they voted in favour of the Resolution which was agreed to by the House.

Mr. LAING said, he felt considerable

apprehension at any proposition at the present time which had the effect of remitting taxation, to any extent, however slight. He could understand, under ordinary circumstances, a reduction like the present being proposed, and he should, under such circumstances, look upon it with favour. At the present day, however, there was one consideration which was paramount to all others, and it was the duty of a Government to avoid seeking popularity in that House or in the country by giving up any taxation when the country was, from the circumstances of the war, inevitably compelled to expend so many millions. He was willing to accept any blame which might attach to him for having voted in favour of the Resolution referred to by the right hon. Gentleman who had last addressed them, but he would remind that right hon. Gentleman that at the time that Resolution was agreed to it had been stated that the amount of taxation existing would be sufficient to meet the exigencies of the public service, and that the Exchequer bonds which were issued were only in anticipation of the revenue. In such a state of affairs he considered that it was not improper to pass the Resolution referred to; but at the present time the case was widely different, for it was impossible for that House to conceal from itself that the expenditure of the country exceeded by many millions any sum which could reasonably be expected to be raised by taxation during the year; and, under these circumstances, it was, in his opinion, wrong to remit a tax which produced 200,000*l.* At such a time it was not expedient to remit taxation in order to court popularity, however unpopular any tax might be. If it could be shown that by the introduction of a measure like that described by the right hon. Gentleman the Chancellor of the Exchequer taxation was being adjusted, and not remitted, the case would be different; but if such were not the case, he thought that to remit any tax at the present time might be attended with dangerous consequences.

MR. BRIGHT: I am afraid, Sir, that the hon. Gentleman who has just sat down has created a difficulty which does not appear to me really to exist. This House is aware that when the Government was foolish enough or wicked enough to involve the country in war no limit to taxation could be expected. With regard to the sum of 200,000*l.*, I should have more faith in that objection if it were made by those Gentlemen who have complained against wasting the public money; but it appears to me that so many millions are voted night after night with so little trouble, that I do not look upon that particular sum as an insuperable objection or difficulty in the way of adopting the course which the House is now advised to pursue. But the question is not one of 200,000*l.* It is impossible to say what will be the loss to the Exchequer if the Chancellor of the Exchequer intends to allow all printed matter to go through the post. That, no doubt, would make up for some portion of the loss, but that, however, is not the question. The real question is, whether a Resolution which has been unanimously agreed to by the House shall be adhered to or not; or there is the other question, whether the law which exists, whatever it may be, shall be fairly administered by your authorities out of this House. Now, the right hon. Gentleman the late Chancellor of the Exchequer has examined this subject in his official capacity most minutely, more so, perhaps, than any other Member of this House, and the right hon. Gentleman the present Chancellor of the Exchequer has also examined it during the short time he has been in office, and both those right hon. Gentlemen have come to the same conclusion as that which he himself and the hon. Member for the West Riding (Mr. Cobden), and other hon. Friends of his had arrived at long ago—that the law was in such a condition that it was impossible to be worked by the authorities at Somerset House. If the Government had now determined not to alter the law, but to give the Attorney General orders to prosecute every one who should break it, there would not be to-morrow an Attorney General at all. There was no man he believed in that town or in England, of the legal profession, who would under such circumstances be willing to hold the office of the highest legal adviser of the Crown, or who would take upon himself to prosecute not 100, but more than 200 persons who are engaged in publishing papers which, strictly speaking, come within the limits of the existing law. I think the question of the sum of 200,000*l.* may be left out of view, or rather I am prepared to take it into view, because I think it is at once disposed of, for, when such large sums are nightly voted almost without any consideration whatever, I think that very little notice need be taken of such a sum as 200,000*l.* With regard to the question of pirating literary property, I should have no objection to any legislation which could equitably deal with the involved question of copyright, but I really think intervention on the subject is unnecessary. The right hon. Gentleman the Chancellor of the Exchequer is of opinion that in the case of short paragraphs any legislation would be useless, as the news could be taken, and the wording of the paragraph entirely changed. With regard to leading articles, there might be some chance of their being pillaged, but, even according to the present law, they may be published without a stamp, and, indeed, a newspaper might be published every morning at ten o'clock and sold at 1*d.*, giving all the articles of all the morning papers in London. I will undertake to say, however, that such a paper would not have any very great circulation, for the English people have an instinctive dislike of anything which bears meanness and dishonesty on the face of it. I am of opinion, too, that the leading articles are not the things which sell a newspaper, though we all of us read them of a morning with a devotion which I cannot account for, seeing the little information which we generally find we have obtained when we get to the end of them. With regard, however, to the securities against libel and the like, I will just read to the House a little paragraph which I cut the other day out of the *Cambridge Press*:—

> "The good Time Coming: I hear, upon good authority, that at this moment a project is on foot among the men who have been most active in the movement against the newspaper stamp duty to start a penny or twopenny daily paper, to appear at ten or eleven o'clock in the day, and to be composed of the materials furnished (at great expense) by the respectable daily papers a few hours before! The very idea of such villany is revolting."

I do not know whether the worthy editor meant to apply these charges to my right hon. Friend near me (Mr. M. Gibson) and myself, but he certainly seems to forget that he has given all the securities which the law prescribes not to libel any one. This charge was copied into *The Globe* on the 12th of March, and the following morning it did duty in *The Times*. Now *The Globe* is a paper which, with the exception of a few advertisements which it gets from the Treasury, fills its columns entirely with intelligence which somebody with the help of a good pair of scissors has extracted from the morning papers. Now, I do not see exactly what mighty difference there is between coming out at ten o'clock in the morning and three in the afternoon, but certainly I think the conduct which is revolting in the one case cannot be entirely without guilt in the other. One request I would make of the Chancellor of the Exchequer, and that is, that he will bring in this Bill as soon as he can, and pass it as fast as ever the House will allow him; for I know that there are some hundreds of people in the country connected with newspapers—some of whom have opposed, and some supported the measure—who are in extreme difficulty to know what to do in their present state of suspense. They do not know exactly where they will be hit, and they are in great perplexity to know what arrangements they will have to make for the future. I entirely disagree, however, with the Chancellor of the Exchequer, that this measure will not produce a good crop of newspapers. I have here a paragraph from one of the Glasgow papers, I believe, from which I see that three new daily papers are about to be established in that city—the *Daily News*, the *Morning Bulletin*, at 1*d.*, and the *Evening Digest*, at ½*d.* In Manchester, too, preparations are being made for starting daily papers as soon as ever this Bill has passed. Something has been said to-night about the opposition which many of the provincial papers have made to this proposal, but I am very glad to say that a great many papers, and among them some of the best and most influential of the provincial press, have all along supported it. *The Leeds Mercury* for instance—a paper almost unexampled for the influence which it possesses in the district in which it is published—has always written in favour of the abolition of the stamp duty, as a measure, among other reasons, necessary for the spread of education. *The Manchester Examiner*, too, has always, from its establishment, consistently supported the measure; and *The Manchester Guardian*, a paper of older date and larger circulation, has also taken the same course, and has very lately charged a London journal with having opposed the Government because the Government was about to propose the abolition of the stamp. It is certainly very unbecoming for one journal to make such a charge against another, nor do I believe that it has the least ground in truth. I am quite satisfied, from years of attention to this subject, that there never was so large a measure, involved in a small measure, so to speak, as is the case with regard to this proposition for making the press free. I am willing to rest on the verdict of the future, and I am quite convinced that five or six years will show that all the votes of Parliament for educational purposes have been as mere trifles compared with the vast results which will flow from this measure, because, while the existing papers will retain all their powers of usefulness, it will call to their aid numbers of others not less useful, and while we continue to enjoy the advantage of having laid before us each morning a map of the events of the world, the same advantage will be extended to classes of society at present shut out from it. *The Times* newspaper has written rather strongly lately upon this subject, and in a manner which, if I had been asked for advice, I should scarcely have recommended—though, perhaps it is rather presumptuous in me to talk of giving advice to *The Times*. That journal generally says something good upon every subject, and only so far back as the 17th of May last it wrote an article on the subject, in which was the following paragraph—and I quote it to show that, however dangerous *The Times* may think any principle of legislation may be which is unfair to its own interests—and I am not at all prepared to say that the plan of Mr. Spring Rice, when he lowered the duties, was not unfair to that journal—yet on the subject of the stamp it can when it so pleases write as rationally and as powerfully as any one. This is the paragraph—

> "With all our talk about knowledge, about the achievements of science, about education, schools, churches, enlightenment, and Heaven knows what not, there is something positively ridiculous in taxing that intelligence which really constitutes the great medium of a civilised country. We make a great stir about teaching everybody to read, and the State, that is the nation, pays a quarter of a million a year in teaching children to do little more than read. Then we proceed to tax the very first thing that everybody reads. In this way the newspapers pay for the education of the country, for they find their expenses aggravated and their circulation restricted by an impost about equal to the sum spent in educating the masses. But we have several times enlarged on the absurdity of a tax which, as it is a tax on news, is a tax on knowledge, and is thus a tax on light, a tax on education, a tax on truth, a tax on public opinion, a tax on good order and good government, a tax on society, a tax on the progress of human affairs, and on the working of human institutions."

Now I like authorities as well as anybody when they are on my own side, and *The Times* is a great authority, no doubt, on such a matter as this. I am prepared to admit that there is no journal to which the people of this country are more indebted than to *The Times*. Though it is, I consider, wrong on many points, though it knocks us all about pretty roughly at times, and though it maltreats many questions, yet it is a free press, and, whatever may be its faults, nobody can deny that education, freedom, and progress of every kind are very much indebted to that great public instructor. I quote this paragraph therefore with the more confidence, though I am not quite sure that *The Times* may not to-morrow entirely deny it, or write in an opposite sense. When we see, then, great and influential journals, such as *The Times* and the provincial papers to which I have alluded, whose interests are so deeply involved, writing in favour of the abolition of this duty, not a single Member of this House should rise to oppose it. Two Chancellors of the Exchequer have to-night told us that they are in favour of its abolition, and I hope no man who looks forward to becoming Chancellor of the Exchequer will have the boldness to dispute their opinion. This is the question of which there is no getting rid; you must decide it, and the only satisfactory way in which you can do so is to take the besom and make a clean sweep. I have done something towards bringing this question before the public and before the House, and, if this measure passes, I shall look back to the part which I have taken in this movement with as much pleasure as upon any part of my public career.

Mr. PACKE said, that however much certain large towns might be enamoured of this measure, certainly in country districts, where people could only obtain their newspapers through the medium of the post, it was not at all palatable. He would not, however, object to the passing of the Resolutions now before the Committee, but he reserved to himself the right of opposing the measure at a future stage.

Sir HENRY WILLOUGHBY said, he could not regard one argument at least of the hon. Member for Manchester (Mr. Bright) as very conclusive, namely, that because the country was at war the present was to be the moment for getting rid of taxation. He quite agreed in the opinion that this was not exclusively a fiscal question; for, without doubt, it involved a great legal difficulty, and it was but right that the House of Commons should come to such a decision as would relieve the law officers of the Crown from their present false and embarrassing position. Still he was at a loss to know why 500,000*l.* of taxation could not be raised from newspapers published within a month after the occurrence of the events narrated. His belief was, however, that two-thirds of any tax levied upon newspapers must be absorbed in the expense of transmitting them through the Post Office. But he wished, before he came to any conclusion as to the measure now under discussion, to have a clear explanation from the right hon. Gentleman the Chancellor of the Exchequer as to the sources from which he intended to supply the consequent deficit of 200,000*l.*

MR. J. G. PHILLIMORE said, he considered the proposed alteration of the law was demanded with reference to the due administration of the law, from a regard for the education of the people, and out of respect for the House's own recorded Resolution.

MR. BENTINCK said, the right hon. Gentleman (Mr. Gladstone) had stated that there was an inconsistency in having assented tacitly to the Motion of the right hon. Member for Manchester (Mr. M. Gibson) last year, and now opposing the Resolution of the Chancellor of the Exchequer. Now, he (Mr. Bentinck) had not spoken on the occasion when the right hon. Gentleman's (Mr. Gibson's) Motion was discussed, but certainly it would be a sweeping rule to lay down in that House that silence invariably gave consent. But, in fact, there was no real inconsistency between supporting the Resolutions of last year and opposing the present Motion. The right hon. Member for Manchester's Motion was—

> "That, in the opinion of this House, the laws in reference to the periodical press and the newspaper stamp are ill-defined and unequally enforced, and it appears to this House that the subject demands the early consideration of Parliament."

Now, undoubtedly, the state of the law did demand early consideration; but he must entirely dissent from the particular manner in which the Chancellor of the Exchequer proposed to deal with the question. The Chancellor of the Exchequer himself told them that there are at this moment a great number of publications or newspapers the position of which was so doubtful that the highest legal authorities were at a loss whether they ought to tackle with them or not. Nothing could be worse than such an anomaly, and the state of the law ought to be dealt with as speedily as possible, if it were only to vindicate the rights of that portion of the press which was subjected to taxation.

MR. MILNER GIBSON said, he wished to know whether, in the case of the Resolutions being agreed to, the Bill would be brought in to-morrow?

THE CHANCELLOR OF THE EXCHEQUER said, that the Resolutions would be reported to-morrow, and the Bill would be then introduced.

Resolutions *agreed to.*

Resolutions to be reported *To-morrow.*

House resumed.

THE UNFUNDED DEBT.

On the Motion for going into Committee of Supply,

SIR HENRY WILLOUGHBY said, he rose to call the attention of the House to the state of the Unfunded Debt for 1855–56. He was anxious to obtain from Her Majesty's Government some explanations in reference to this subject, because a strong impression rested on his mind that this branch of the public debt stood at a much higher figure than Parliament had a right to expect, or even, he suspected, were aware of. Indeed, he should have directed attention to the matter during the passing of the Exchequer Bills Act; but it did so happen that at that time there was no responsible Finance Minister in the House, besides which the Bill was only a sessional one. The only occasion on which he had had an opportunity of stating his opinion on the subject was upon the occasion of the passing of the Bill—which was late upon a Wednesday—when he took what he might venture to term a flying shot at it, and expressed a hope that these Exchequer bills would not change their nature and be turned into funded debt securities. However, the hon. Secretary to the Treasury (Mr. Wilson) seemed on that occasion to consider any such contingency quite impossible. It was, however, an indisputable fact that Exchequer bills were converted into funded debt in the months of June and October of the year 1853; and it was against that process that he wished strongly to protest. The unfunded debt of 1853 amounted to 17,742,000*l.* By the 17 *Vict.* c. 25, it would be seen that the unfunded debt stood at 16,000,000*l.* But what was the amount of the unfunded debt for 1855 as it now stood under the Bill which had gone through that House? The actual sum appeared to be 17,183,000*l.*; but a certain amount of bills had been exchanged for bonds to the amount of 591,000*l.*; so that, practically, the unfunded debt for 1855 stood at the same amount as in 1853. He humbly submitted, therefore, that some explanation ought to be given as to why it was that the House had not been duly informed of the increase which had been made in the amount of the unfunded debt. Last year, on the occasion of his bringing forward his first Budget, the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) stated that some Ways and Means would be required while his increased income tax was being realised; and, accordingly, he obtained a vote for the issue of 1,750,000*l.* in Exchequer bills. Now, it was these very Exchequer bills which he wished the House would trace, and in regard of which he was desirous it would determine whether it had been duly advertised of their issue. For he held it to be the imperative duty of Parliament closely to criticise every variation in the public debt—whether funded or unfunded—a doctrine nowhere more fully recognised than in the speech of the right hon. Gentleman the late Chancellor of the Exchequer. Well, on the occasion to which he had just alluded, the right hon. Gentleman stated that the vote of 1,750,000*l.* was in the nature of Supply Exchequer bills, while he carefully drew a distinction between the permanent and unfunded debt and the class of bills we were then advocating. He added that they were to be withdrawn as soon as the new income tax was realised, and that they were not to be confounded with the permanent Exchequer bills debt, but were to be taken *per se*, and were to be paid off out of the growing products of the revenue. Well, on the 21st of February the right hon. Gentleman ceased to be Chancellor of the Exchequer; and then, in the absence of all explanation—there being no one in office capable of rendering the necessary official statement—Her Majesty's Government did not hesitate to bring forward a measure actually rendering nugatory all their former professions, and incorporating this issue of 1,750,000*l.* Exchequer bills of last year with the unfunded debt of the country. He certainly thought the House of Commons had a right to expect some explanation would be given relative to this occurrence, and he trusted that the course recently pursued would not be drawn into a precedent.

Sir H. Willoughby

MR. J. L. RICARDO said, he had also given notice of a question to the same effect as the Motion of the hon. Baronet (Sir H. Willoughby)—the terms of his question being, whether the Secretary of the Treasury could give any explanation of a renewal of 1,750,000*l.* Exchequer bills, which was stated to have been made contrary to a pledge given to the House of Commons by the Chancellor of the Exchequer in the last Session? There was a general impression abroad that there was an irregularity in the statement of the accounts, and some discrepancy between the theory and the practice of the finance of the right hon. Gentleman the late Chancellor of the Exchequer. The amount of Exchequer bills which it was generally expected would have to be renewed this year was 15,433,000*l.*, whereas the actual amount was 17,183,000*l.*, which included the item of 1,750,000*l.* referred to by the hon. Baronet. Now, the right hon. Gentleman (Mr. Gladstone) in his budget speech of 1854, stated that these were special bills raised for the purpose of meeting expenses which had been incurred before, that they would be paid off from the produce of the accruing taxation, and would not appear in the amount of Exchequer bills to be renewed this year. On the 6th of March, 1854, in bringing forward his budget, the late Chancellor of the Exchequer said, he proposed to double the first half-yearly payment of the income tax, and to make provision, in the interval, before the tax could be actually levied by the issue of Exchequer bills within the amount of 1,750,000*l.*, which would be paid out of the growing produce of the revenue. In alluding to these bills, the right hon. Gentleman (Mr. Gladstone) said, they were, in reality, what other Exchequer bills falsely purported to be, supply Exchequer bills, and that when the supplies came in the bills would be paid off from such supplies, and nothing more would be heard of them. He had read that day the correspondence to which the hon. Baronet had alluded; and in it the right hon. Gentleman seemed to make two pleas, which appeared to be totally inconsistent with each other. The first was, that although the right hon. Gentleman might have stated what he had quoted, he, on a subsequent occasion, declared that they were not to be paid off at all, but were to be renewed as ordinary Exchequer bills. The other plea was, that this sum of 1,750,000*l.* was not renewed without notice, because he (Mr. Gladstone) did actually make a statement on the subject in reply to the hon. Baronet opposite. Now, the question of the hon. Baronet did not refer to this particular matter at all, although the right hon. Gentleman went out of his way to say that the bills to be renewed this year were ordinary Exchequer bills, to be renewed in the ordinary manner. This was on the 8th of May. He certainly could not find any modification in this of the previous statement; but even if there were, the right hon. Gentleman, on the 23rd of May, returned to his original statement, and declared that there was no change whatever in the intentions or the announcement of the Government, from the beginning, and that the bills were to be paid off from the accruing taxation. Now, no one could have expected to see such a sum of money mixed up—unintentionally, no doubt—with the whole amount of Exchequer bills. And were it not for the zeal and activity of the hon. Baronet opposite in these matters, who referred back to the returns of 1854, no one would have been likely to trace what were the real circumstances of the case. It was not his intention to assert that the right hon. Gentleman was not perfectly within the law in what he had done. But what he (Mr. Ricardo) maintained was this, that if the right hon. Gentleman intended these returns for the information of the House they were most clumsy and unbusiness-like. But if—what he could not believe—they were intended as a mystification, they could not be more efficient and successful. Who could suppose that the right hon. Gentleman intended to add to the debt in this manner? The right hon. Gentleman had denounced the raising of money by loan as a deliberate system of deception upon the public. [Mr. GLADSTONE: Where, or when?] He could not tell the exact line in which the expression occurred, but that the remark was made he would undertake to say. He had written it down from the speech as he had read it in *Hansard*. The right hon. Gentleman repudiated any idea of making a loan, and was indignant with the hon. Member for Huntingdon (Mr. T. Baring) for supposing that the 6,000,000*l*. of Exchequer bonds might, by unfinancial minds, be interpreted into a loan. He (Mr. Ricardo) confessed that, for his part, he had very much the same idea as the hon. Member for Huntingdon. He thought, notwithstanding the presence of those unfortunate Long Annuities, which had been the prey marked out for destruction by successive Chancellors of the Exchequer, and which were to fall out as the Exchequer bills fell in, that if, at least, there were not 6,000,000*l*. added to the permanent debt of the country, they would be prevented from taking off a very large number of millions from the permanent debt of the country at the expiration of the Long Annuities. The right hon. Gentleman appeared not to be pleased at hearing these things mentioned; but he (Mr. Ricardo) felt bound to say that, if ever there was an amount of money added to the debt of the country without the country exactly understanding the process, it was the 1,750,000*l*. of Exchequer bills which the right hon. Gentleman the then Chancellor of the Exchequer created last year. He did not think the present was the moment to discuss the abstract question of whether it was advisable to carry on war by means of taxation, or by means of loan. He was certainly very far from being one of those who objected to taxation, because it would render the war unpopular: he should be very glad to see war unpopular; but at the same time he believed that the attempt which was made last year—a very praiseworthy attempt, as he believed it to be—to raise the supplies, and to carry on the war by the taxation of the country, was an utter, unmixed, and irretrievable failure. That was plain from the result of the operations of last year. That being the case, would it not be better that the failure should be honestly, straightforwardly avowed? Why not let it be confessed that it was a failure? Of what use could it be to conceal that 1,750,000*l*. had been added to the permanent debt of the country? The right hon. Gentleman could easily explain how the failure had taken place without having recourse to any subterfuge. He recollected the open and manly way in which the right hon. Gentleman avowed the abortion—as he was pleased to call it—of the conversion of the South Sea notes. He thought the hon. Baronet (Sir H. Willoughby) was entitled to the thanks of the House for calling attention to the subject under consideration. It was a subject of great importance, and he trusted that the statements which had been made that night would have the effect of making the House more vigilant in such matters in future.

MR. WILSON said, that the hon. Gentleman who had last spoken rose to put a question to him, and he would endeavour very briefly to give him a satisfactory answer. In the first place, however, he heartily concurred with the closing observation of the hon. Gentleman, that the House was indebted to the hon. Baronet the Member for Evesham (Sir H. Willoughby) for even at the eleventh hour calling the attention of the House to a circumstance so interesting and so important, and he sympathised very much with him when he regretted that these discussions were to be carried on in another place, where there was an absence of persons intimately acquainted with the details. He wished the hon. Baronet would exercise his vigilance still more, so that no misrepresentations might hereafter take place in reference to such transactions. The hon. Gentleman (Mr. Ricardo) said that if there were one question more certain than another, it was that the 1,175,000*l.* of Exchequer bills, which were now the subject of discussion, were as completely and as irretrievably added to the permanent debt of the country as any loan that was ever made. Now, on that point, he totally joined issue with the hon. Gentleman. He proposed not only to show that it formed no part of the permanent debt of the country, but still more to show that out of the taxation of the past year—out of the produce of the year—the whole expenditure had been paid, and that the country had not been debited with one single shilling on account of the expenses of the past year. It had been assumed that there was no question but that the Government had added to the national debt for the purpose of contributing to the necessary expenses of the war during the past year. Those assumptions were entirely unfounded, and he hoped he should succeed in convincing the House that upon the principles which were announced last year the Government had entirely fulfilled the promises which had been made. Perhaps the House would permit him to recur in the first place to the amount of Exchequer bills provided for the present year. The hon. Baronet (Sir H. Willoughby) was quite right in saying that the Exchequer bills ought to have been reduced by 591,000*l.*, and both the hon. Baronet and the hon. Gentleman the Member for Stoke were right in supposing that the 1,750,000*l.* made part of the 17,183,000*l.*, the amount of the unfunded debt. When he introduced the Exchequer Bills Bill, and laid his statement on the table of the House, the hon. Baronet asked him whether that amount of 1,750,000*l.* would be reduced by the amount of Exchequer bills that had been funded in the preceding year. His reply was that the amount of Exchequer bills had been reduced, so there was no discussion on the subject, and the matter passed off without much observation. Having made these observations, perhaps the House would permit him to refer to the state of the unfunded debt as it now stood in relation to the previous year. In the previous year it amounted to 17,742,000*l.*; in the present year it was 17,183,000*l.*, showing a reduction of 559,000*l.* Perhaps he might be told by the hon. Baronet that in the meantime the Government had to a considerable amount converted Exchequer bills not only into stock but into Exchequer bonds. Well, if that were so, the House would of course find the amount figuring proportionally in the funded debt of the country; but, if they turned to the account of the funded debt, they would find that it amounted on the 5th of January, 1853, to 761,622,000*l.*, and to not more than 751,839,000*l.* at present; so that, in that period, the floating debt had been reduced by 559,000*l.*, and the funded debt, instead of being increased by the suggested conversion of Exchequer bills, likewise had decreased to the extent of 9,783,000*l.* The amount of Exchequer bonds forming a new species of debt on the 5th of January last was 1,043,000*l.* If that sum were deducted from 9,783,000*l.* being the amount of the funded debt, there would be still left a clear reduction of 8,740,000*l.* as funded debt, and 559,000*l.* as unfunded debt. Therefore, so far as the debt at the present period was concerned, it stood at least 9,200,000*l.* less than at the commencement of the year 1853. He must ask hon. Gentlemen to go back to the Budget of the 6th of March, 1854. On that day his right hon. Friend (Mr. Gladstone), then Chancellor of the Exchequer, introduced that Budget with this explanation: He said, "The country was not then at war, but it was very likely to be at war, for which very large preparations had been made. He, therefore," he said, "proposed to lay before the House a statement of finances independent of that consideration, reserving to himself the right of coming down for further expenses, which would be rendered necessary by the war, if it should unhappily take place." Now, on the 6th of March there was a deficiency upon the Estimates of 4,307,000*l.*, supposing no war took place. Now, how did the right hon. Gentleman propose to provide for that deficiency? He said that, in the first place, he should ask the House to double the income tax, and that the whole amount of the increase should be received by him in the first half year. The half year's income tax was estimated at 3,370,000*l*. The right hon. Gentleman said that it was quite true that he lost an additional amount of taxation equal to the income tax of the half year, but inasmuch as the dividends would not come in until July, he must make immediate arrangements to meet demands, and he asked the House to give him 1,750,000*l*. of Exchequer Bills Supply Bills, distinctly stating that they were different in their nature, though not in name, to the ordinary Exchequer bills of the year. The right hon. Gentleman intended paying those Exchequer bills from the growing produce of the taxes which he then proposed. He took the precaution also of saying that he could not foresee what would happen. If war took place he should be obliged to make a further provision, and he distinctly, time after time, referred to the impossibility of guaranteeing the House that he should not make further claims during the year. Suppose no declaration of war had taken place, let them see how the principle would have operated. His 3,000,000*l*. of new taxes would have come into collection in October, and in April the whole of that amount would have been in the Exchequer, and his expenditure would have been paid as the year went on, and he would have been clearly in a position to have redeemed now every shilling of that 1,750,000*l*. But he did not intend limiting the matter in that way. He would show to the House that under those unfavourable circumstances the right hon. Gentleman was perfectly justified, and that facts had since that time more than borne out his declaration. The right hon. Gentleman, after the war had been declared, came down with his second Budget on the 8th of May. The new deficiency he showed was 6,850,000*l*., and he proposed to provide for it thus:—he proposed that the income tax for the second half year should be doubled, that 450,000*l*. should be raised from spirit duties, 700,000*l*. from sugar duties, and 2,450,000*l*. from malt duties. Only a small portion of that amount could come in until this year; and how did the right hon. Gentleman propose to remedy that inconvenience? He proposed that there should be issued Exchequer bonds to the extent of 6,000,000*l*. in anticipation of those taxes. He ought at the same time to say that 625,000*l*. of that amount was exchanged for Exchequer bills, and therefore the bonds were reduced to 5,375,000*l*. Now, the House would have arrived at this fact, that the Government had 1,750,000*l*. Exchequer bills and 5,375,000*l*. Exchequer bonds in aid of the expenditure of the year, independent of the income from the ordinary revenue. To show that his right hon. Friend took a correct view of the character of these Exchequer bills and Exchequer bonds, he, in the end of May, in showing what were his Ways and Means, included the Exchequer bonds and bills in his calculation; and in the course of the debate which ensued he combated the opinion that the issuing of these Exchequer bonds and Exchequer bills was the creation of debt. It was quite clear that, whatever category the bonds were placed in, the bills were placed in the same. Could hon. Gentlemen believe that bills that had three, four, or six years to run were to be paid off in the year on which they were issued; or that, when the House sanctioned Exchequer bonds that had three, four, or six years to run, the right hon. Gentleman did not contemplate that those bonds were to be paid off at a future time by means of the increased taxation which he then imposed? Let the House stop for a moment to inquire how the country was affected by these operations, and how this 1,750,000*l*. bills and the Exchequer bonds stood against the public at the present moment. On the 8th of May, 1854, my right hon. Friend (Mr. Gladstone) estimated the deficiency of the year at 11,157,000*l*. That deficiency, on the 17th of the present month, instead of being 11,157,000*l*., stood at 14,198,000*l*.; that was, the expenditure of the year had exceeded the expectations of the Government by 3,041,000*l*. The House had passed Bills sanctioning taxation to the extent of 3,000,000*l*. on that amount. In addition to that, he ought to inform the House that the whole of that amount had been spent in ready money. All these additional supplies since the House met in the present year had been spent in ready money, thus contradistinguishing the present war from any of the wars which had preceded it. Not one single payment had been deferred more than it would have been in time of peace. When, therefore, he quoted these figures, he wished it to be understood that they represented the real state of the expenditure in a time of peace. There was nothing behindhand which could ever come against the country as a future charge, and that, he took it, was a great distinction from all former wars. He would say, also, that not a single demand had ever been made by a single department which had been refused during the whole year. It was the duty of the Treasury to exercise a vigilant supervision in ordinary times; but the Government had felt that during the war the responsibility of expenditure rested on departments, and, except where there had been an extraordinary expenditure, it was their duty to see that it was not laid on as a basis of permanent expenditure. If he had taken credit for the present state of the finances, it was not that the Government had been niggardly in the expenditure of money, for without reserve they had sanctioned every expenditure every department had proposed. They had, up to the 17th of the present month, expended in Supply services alone, for the quarter, 9,579,000*l.*; before the close of the quarter it would reach 11,000,000*l.*, whereas the ordinary amount was between 4,000,000*l.* and 5,000,000*l.* There was an important element which had been kept out of sight by the hon. Gentleman, who had taken exception to the financial operations of the Government. His right hon. Friend (Mr. Gladstone) told the House last year that he should not receive his taxes within the year. The Government would have, on the 5th of April, due in uncollected taxes, not for ordinary revenue but for the war, no less than 5,120,000*l.*, being for income tax 3,320,000*l.*, and for malt duty 1,800,000*l.* Well, then, if they were to balance accounts at the end of the year, when they put their whole expenditure which had been paid in ready money, they must give credit for that which was due, and which, if peace should come, would go to the payment of ordinary revenue. Again, he would state that every shilling incurred by the war had been paid out of the income of the year. The case was strong enough as it stood; but he would ask the House to recollect what was the state of matters on the 5th of April, 1854? Why, on the 5th of April last year, after his right hon. Friend had paid off nearly 10,000,000*l.* of national debt, there were deficiency bills to the amount of 6,642,000*l.* Upon the 5th of January of the present year that sum had been reduced to 1,598,000*l.*, so that there had been paid off in nine months upwards of 5,000,000*l.* of deficiency bills, and that out of the growing produce of the year. Now, he was compelled to say that he did not think we should stand so well on the 5th of April next, because the expenses of the present quarter had been very large. He should be very glad to leave the matter as it stood, because he believed that all the gratuitous assumptions that had been indulged in would be dispelled when it was ascertained that the Government had fulfilled all their obligations, and had placed the finances in a better state than they were in at the commencement of the war. But then he would be asked what became of the 1,750,000*l.* of Exchequer bills. They had been renewed, but they were not a permanent debt. They were a mere floating debt, and there was a great difference between the two things. He had told the House that the Government had some 5,000,000*l.* of taxes due, and that they had paid the expenditure of the war. Hon. Gentlemen must not expect that because in a time of war the Government raised money for the present half-year, they were going to allow the next half-year to starve. These anticipations of the revenue must be made from half-year to half-year as long as the necessity existed. A noble lord had told them in another place that the conduct of the Government in this matter was like that of a young spendthrift who borrowed money for four months and thought himself a paragon of prudence because he repaid the amount by fresh bills at the expiration of that time. Perhaps he (Mr. Wilson) might venture upon a more correct illustration. Suppose that any hon. gentleman possessed an estate of 5000*l.* a year and contemplated making large improvements which would absorb his whole income. He began in April, and his dividends would not come in until six months afterwards. Did he take credit for what he would have to pay the contractor, or did he take the more prudent course of obtaining advances from his banker for the half-year? He would, in all probability, adopt the latter course; and he (Mr. Wilson), as well as his right hon. Friend (Mr. Gladstone), thought that was a very sensible operation. Government anticipated to the extent of 7,125,000*l.* the revenue of last year. There was 5,000,000*l.* of it uncollected on the 5th of April; and they might go on anticipating it, and these securities might be kept afloat so long as the existing expenditure went on, because they would still have the remaining six months taxes in arrear, which would be collected during the six months to follow; and then, with that amount of income in excess of expenditure, they might either liquidate these securities, or else by the operation of the sinking fund, pay off other securities, which would come to the same thing. That sum would be available at the conclusion of the period for paying off the debt which was created in anticipation of it. The hon. Baronet (Sir H. Willoughby) in a tone of complaint a few weeks ago, asked if it was the intention of the Government to convert Exchequer bills into funded debt? and he complained of savings-bank money being applied to that object. [Sir H. WILLOUGHBY: Without the consent of Parliament.] The consent of Parliament had been given, but the hon. Gentleman appeared to him to speak of savings-bank money, as if he had not a very accurate notion of the nature of the investments in which that money was laid out. The real fact of the case was, that Government took upon itself the enormous responsibility, and also the cost of holding that money; and, therefore, unless the Chancellor of the Exchequer had intrusted to him the power of using the widest discretion as to the mode of conducting those funds, the sooner the management of them was given up the better. But with all the discretion that could be employed, the loss to the country was greater than was generally supposed. During ten years the loss upon the difference of interest paid to that which was received amounted to 434,000*l.*, and, taking into account friendly societies, to 660,000*l.* These funds ought to be regarded as bankers' deposits; and what would any banker pay to a customer who should, after having deposited his money in the bank, attempt to control or find fault with the securities in which the banker chose to invest it? It was quite enough that the banker undertook the responsibility of holding that money and of paying the interest. It should be remembered, also, that it was during times of great prosperity that the largest amount was deposited in savings-banks, and in times of adversity that money was withdrawn; and as the Government were obliged, in the latter case, to convert stock into money to meet that demand, the result was that, taking an average of ten years, the price at which they bought in the funds with the savings-bank money was $97\frac{1}{2}$, while the average price at which they had been compelled to sell out was $87\frac{7}{8}$, showing what a serious loss was imposed upon the Government by making it responsible for that money, which the Government ought, on the other hand, to be allowed to make use of. In conclusion, he must appeal to the House to place some confidence in the discretion of the Finance Minister.

MR. GLADSTONE: Sir, as I was a party to those transactions to which the hon. Baronet (Sir H. Willoughby) has called the attention of the House in a very brief statement, made in a spirit of great fairness and in a temper most unexceptionable, it may be that the House will expect me to say a few words on this very small question, which has, I think, most unduly been magnified into a great one. I stated, when I asked for the issue of these bills, that they might be redeemed by the first moiety of the income tax, and at that time I explained to the House, and I thought I was successful in explaining to the hon. Baronet, that I did not want both an issue of bills to the amount of 1,750,000*l.* and also the first moiety of the income tax; but that what I asked for was, an issue of those bills in anticipation of the first moiety of the income tax. I did not at that time make a proposition for the finances of the year, and I will not now discuss the question as to whether it was prudent for the Government to come to this House and ask for the means of transporting a military expedition which it was intended to send out, but I will only say that the proposition then made was not made for means to carry on the war, it was only made for the purpose of sending out a military expedition, and, if no active operations should take place, of defraying the expense of its return. I made another statement on the 8th of May, in which I said the exact contrary to that which I had stated on the former occasion to which I have referred. On the 8th of May I said, that I should want both the doubled income tax and the issue of 1,750,000*l.* Exchequer bills. I am unwilling to trouble the House by reading extracts from the report of that speech, but I may state that, after having brought forward what is commonly called a Budget, in my anxiety to make the subject under the complicated circumstances of the time clearly understood by the House, I took a course which I believe had never before been adopted by any Chancellor of the Exchequer, and drew out what may be called a cash balance for the convenience of the House.

I told the House on that occasion that the total expenditure which I anticipated I should have to meet was 63,339,000*l.*, and I then proceeded to show how the money was to be forthcoming. The ordinary revenue of the year I estimated at 53,349,000*l.*, the proceeds of the first half-year's doubled income tax—3,307,000*l.*—raised the revenue to 56,656,000*l.*; and I took into my calculation also the vote of 1,750,000*l.* Exchequer bills, which raised the whole revenue to 58,406,000*l.* I stated as distinctly as possible that I should not only require the double income tax, but the 1,750,000*l.* of Exchequer bills also which had been voted in March, and I think, therefore, the hon. Baronet must allow that the charge of having kept something back from the House entirely falls to the ground. But I have heard it said to-night that I ought to have told the House on the 8th of May that it was my intention to renew these Exchequer bills. Sir, I should have been guilty of the grossest folly if I had told the House any such thing, for at that time I was of necessity perfectly unable to form any judgment on the subject. The hon. Member for Stoke-on-Trent (Mr. Ricardo) went into the very much larger and more important question—of how the expenditure of the war is to be raised. He says, the attempt to raise the supplies for the year by the taxation of the year has turned out to be an utter, irretrievable, and unmixed failure. The hon. Gentleman did not condescend to support this statement by reasoning or facts—he delivered it oracularly, and I must say that his statement is, to me, an utter, irretrievable, and unmixed puzzle. I cannot understand what the hon. Gentleman means, and I very much doubt whether he knows himself. The question, however, which the hon. Member has opened is one of the utmost importance. It deserves the most careful and deliberate consideration from this House, and I certainly am the last man to deprecate its discussion. For myself, I maintain that all attempts to forestall the expenditure of the year in a time of war are futile. I never attempted to submit to this House any war estimate which was, or ever could be, reliable in the same sense as a peace estimate is. All I could do was to urge upon my colleagues, in whose hands was the administration of the great military and naval departments, to present outside estimates; and then, in addition to providing for these estimates, it was my duty to ask for a considerable vote of credit and the command of a large additional amount of cash. The Estimates have certainly been exceeded; but still, in the first year of the war, and with all the additional expense of a winter campaign, the forethought of this House has been very nearly equal to the entire expenditure. With respect to the question of the public debt, I find that it was somewhere about 2,000,000*l.* less when I quitted office in January, 1855, than when I accepted office in January, 1853. The process by which I arrive at this result is this: I take the funded debt as it stood in January, 1853, I add to it the unfunded debt, and I deduct from it the balance in the Exchequer. I do the same with regard to January, 1855, and I find, as I said, that during the two years I held office the debt has been reduced by about 2,000,000*l.* But, in the course of the year 1854 there had been an excess of 9,000,000*l.* of expenditure connected with the immediate purposes of the war, a very small, in fact, I may say, an insignificant portion of which had been defrayed out of the proceeds of the taxes that year imposed by Parliament. Now, in answer to the question whether the effort made by the House last year, to provide for the expenditure of the war out of the taxes of the year was, or was not, an utter failure, I will offer a brief statement. It was not the effort of an individual, or of the Government, it was the solemn and formal decision of the House of Commons. The deliberate view they adopted was, not that they should register a vow against any resort to loans, nor that they should entangle themselves with any abstract resolution or distinct pledge, but that it was their duty to commence the war with a manful and resolute effort, after a liberal estimate of the expenses of that war, to provide for the liquidation of those expenses out of the taxes of the country. Now, how does the matter stand? The amount of provision which was made in May, 1854, from permanent sources, was, in round numbers, 12,000,000*l.*, and of that about 10,000,000*l.* was taxes newly imposed, and 2,000,000*l.* was handed over to us upon the estimate of the revenue, with the taxes as they stood in the previous year. The excess of expenditure was then estimated at something under 11,000,000*l.*, and out of the 12,000,000*l.* permanent provision it was expected that within the year we should realise about 8,000,000*l.* If we actually had got

8,000,000*l.* in hand during the year, it follows that we should have had to draw upon the funds granted to us in expectation to the extent of about 4,000,000*l.* We should have had so far to pledge the credit of the country—in fact, to create debt to that amount; but, as has been stated, against that 4,000,000*l.*, we were fully justified in setting that portion of the receipts of the extra taxation of the year which would have been received on the 5th of April, amounting to somewhere about 5,000,000*l.*; and, therefore, if the expenditure of the war had been confined within the estimated limits, we should have an actual surplus of 1,000,000*l.* from the revenue belonging to the year over and above the actual expenditure of the war. But the expenditure has gone beyond these bounds. I apprehend that if, instead of providing for the expenses of the year by means of taxes, we had taken a loan to the same amount, we should have been equally open to the risk of the expenditure going beyond the limits that were placed. The two subjects were entirely distinct. Some people seemed to think that money raised by taxes was not so good, and would not go so far, as money raised by loans. My impression is, and I shall be ready at the proper time to support it, that money raised by taxes will go quite as far, and even a little further; because the House would be disposed to keep a sharper watch upon expenditure raised by taxes, than it would do if that money were raised by loans. But the expenditure was gone beyond the estimate to the extent I will now state. The excess for the year was estimated, in May, at a little under 11,000,000*l.*; the actual excess, as we have now ascertained by experience, up to the present time, has passed 14,000,000*l.* Therefore, there was a surplus of 3,000,000*l.* of expenditure over and above the 11,000,000*l.* which we estimated. But even there the House, in its forethought, did not leave us without resource, because, on the 8th of May, when we presented estimates showing that the expenditure of the year, including the vote of credit, might run up to 63,000,000*l.*, the House was pleased to sanction the provision of cash to an amount exceeding 66,000,000*l.*, or 3,000,000*l.* beyond the estimates. The consequence of that 3,000,000*l.* excess of expenditure has been that, instead of drawing to the extent of 4,000,000*l.* upon the aids in anticipation of taxes, we have drawn 7,000,000*l.* Against that sum of 7,000,000*l.*, you must place 5,000,000*l.* for taxes that have not yet come in; so that the result is that, with all the gigantic operations which you have been carrying on, the whole excess of expenditure over the sum to be raised by taxes is 2,000,000*l.* Such an excess in time of peace would indicate gross want of care on the part of the Chancellor of the Exchequer and his colleagues, or on that of the revenue departments; but surely, in time of war, an excess of 2,000,000*l.* is not a discreditable account to present. What was the state of things at the commencement of the revolutionary war? There was then, at the end of the first year of the struggle, when the efforts made had been but trifling, an excess of expenditure more than doubling the provision made by Parliament. Parliament provided 4,000,000*l.*, and, in addition to spending that sum, the Government of the day contracted a debt of 5,000,000*l.* It is inherent in the nature of the demands made by war that you cannot set limits to them; and I am sure that the House of Commons is prepared to make the most liberal allowance, not for the Government's neglect or failure of duty, but for those circumstances with which it is possible for human forethought and care to cope. I do not wish to push the matter too far—I will not pursue it further into detail. I do not seek to entrap the House into assenting to an abstract principle, nor to induce it to tie itself down to any foregone conclusion; but I say, as a matter of retrospect, and reverting to the extensive operations in which you have been engaged, that you have not cause to regret a failure or an abortion—for this House has made provision in a remarkable degree for the expenditure which has been incurred, and it has great reason to look back with satisfaction on the course which it thought fit—wisely, as I believe—to adopt.

MR. DISRAELI: Sir, nothing can be more important than that at this period of the year we should be favoured with the financial statement of the Chancellor of the Exchequer, and under the present circumstances in which the country is placed I recognise additional reasons for our being furnished with such an exposition. I lament the causes which have deprived the House of that great advantage. The right hon. Gentleman the Chancellor of the Exchequer, placed as he has suddenly been in a position of great difficulty and responsibility, had a perfect right to throw himself on the indulgence of the House while he refrains for a time from making that explanation; but, although it is our duty, no doubt, to show him that forbearance which he justly demands, still nothing can be more inconvenient than that, while the official statement of the condition of our finances from the responsible Minister of the Crown is withheld, these desultory debates should arise, circulating assertions, as they do, which I, for one, am not prepared to admit to be authentic, and which are certainly not made under circumstances that would justify their receiving that criticism which they might otherwise require. I do not mean for a moment to say that my hon. Friend the Member for Evesham (Sir H. Willoughby) was not fully authorised in making the remarks which he did. They related to a very pertinent point, but one that is limited in its character. Yet the hon. Gentleman the Secretary for the Treasury takes advantage of the inquiry which my hon. Friend made with regard to it, and in putting which he was followed by the hon. Member for Stoke (Mr. Ricardo), to enter into a detailed exposition of the financial state of the country. With the exception of the future supplies which we may be called upon to grant, the hon. Gentleman (Mr. Wilson) really concealed nothing from our knowledge. He has, indeed, communicated to us an amount of information which rather astonished me. "I wanted," he says, "so many millions and I obtained them, and having obtained them in such and such a way, I have spent so many millions"—"*Ego et Rex meus.*" Whether "*Rex meus*" will be prepared to submit to the despotism of the Secretary of the Treasury is a point which, with our limited experience of the Chancellor of the Exchequer, I am unable to determine; but I hardly believe that the late occupant of his important office would have been so willing, as the right hon. Gentleman appears to be, to yield to so severe a surveillance. All that the hon. Gentleman opposite (Mr. Gladstone) said may be perfectly true; but I prefer having from the lips of the proper Minister and at the proper time the authentic account of the liabilities and resources of the country, and I decline to enter at the present moment into any discussion on the subject. The question which has been brought before our consideration is one of a much more circumscribed scope. It has been legitimately introduced, and, so far as I caught the purport of the hon. Member for Stoke (Mr. Ricardo), with temper, and also, as I believe, with accuracy. Let us endeavour to recall the single point which is now before us, putting out of view the comparative merits of sustaining the expenditure of the country by sheer taxation—or by the aid of the national credit. Let us forget the admirable management of the Secretary to the Treasury, and pass by for a moment his panegyric upon himself. What is the real question that has been brought before us by my hon. Friend the Member for Evesham and enforced by the hon. Member for Stoke? There is no doubt, notwithstanding the honied phrases and mellifluous sentences of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), that in March last the House of Commons was under the clear impression that there was a vote of 1,750,000*l.* Exchequer bills of a temporary character, and which was to be defrayed from the accruing revenue of the year. This vote was past with the full understanding on the part of the House that it was a vote of Exchequer bills to be kept perfectly distinct from the usual vote of that character; and that, to use the language of the right hon. Gentleman, these bills were to be strictly and literally bills of Supply—(which is a term still preserved, though not observed)—and not to be mixed up with the ordinary votes for the year—that in fact they were to be a provision of a temporary nature. I believe that hon. Gentlemen on both sides of the House will agree with me that there is no mistake on that point. But it is said that in May there was a great change, and a fresh statement was made. Now, I always thought that it was a very great error, considering the position in which the country stood—and I mentioned this opinion at the time—that we should have had a precipitate Budget in March, which was quite unnecessary. Under the difficulties of the period the right hon. Gentleman might have postponed his financial exposition, and need not have created that confusion which has since occurred, by reason of his rival statements of March and May. In May, however, you had a second statement from the right hon. Gentleman; and he tells us now that then virtually, although not in that distinct and formal manner which might have been wished, he intended to alter the plan which he had submitted to the House, and that that which was a temporary vote of Supply two months before for nearly

2,000,000*l.* of Exchequer bills was, in fact, then changed in its character, although this House, and other persons beside this House, do not even now seem to be aware of it. The right hon. Gentleman has read passages—of course from authority—from his own speech, and, following those passages, as I heard them quoted, I am bound to say that I could not deduce from them that clear inference which he thinks they will bear. I have not now had an opportunity of referring to authority, but certainly my recollection of the right hon. Gentleman's speech was to this effect:—" The Government proposes to do nothing more now (in May that was) than it proposed to do in March—we propose to increase the permanent revenue of the country, and likewise to establish some temporary supply which shall be defrayed out of the accruing revenue of the year." Well, what happens? The right hon. Gentleman himself admits, whatever were his own intentions, the House and the country did not share them. We did believe that the temporary loan of the month of March was really a temporary loan, and was actually to be discharged out of the accruing revenue of the year. Now, in this year the usual Exchequer Bills Bill is brought in, and we find an increase of 1,750,000*l.* added to the ordinary amount of Exchequer bills. The hon. Gentleman the Secretary of the Treasury says, that this is not an increase of the permanent debt; technically it certainly is not so, but it is an increase of the permanent debt as compared with the temporary assistance that the right hon. Member for the University of Oxford at first projected. We are in this position—in March, 1854, a Vote for nearly 2,000,000*l.* of Exchequer bills was taken, on the distinct understanding with this House, that the Vote was for the temporary aid of the public service, and that it was to be defrayed out of the accruing revenue of the year; but, early in the spring, the House of Commons finds that this sum is made a portion of what may be called the permanent debt of the country, and is any one to be surprised that an hon. Gentleman should come forward and call the attention of the House to what he considers a violation of faith on the part of the Ministry, or that he should come forward and ask for explanations with respect to this considerable sum, and should draw what appears to me to be the natural inference, that the principle on which the financial system of the Government was established—namely, that the expenditure should be defrayed from the annual revenue—had been departed from, and had, in fact, broken down? I do not object to a Minister, placed in the difficult position in which the right hon. Member for the University of Oxford was, borrowing 1,750,000*l.* Exchequer bills; and I am sure if he had come forward and thrown himself on the country, and asked for 17,500,000*l.* he would have been supported. It is not with regard to the amount that I object, nor will I say anything now as to extravagant expenditure, for until we have the formal statement from the Chancellor of the Exchequer I decline to enter into that question. But I say that it is most unfortunate that the right hon. Gentleman should have proposed a Vote of 1,750,000*l.* of Exchequer bills as a temporary loan, to be defrayed out of the accruing revenue, and that this was to be a test and proof of the new financial principle on which the whole war expenditure was to be conducted, and that when a few months have elapsed we should find that this sum takes the shape not of a temporary loan, but really becomes a portion of the permanent debt. The right hon. Member for the University of Oxford says, that there have been great misrepresentations, and rather complained of the perverted view which has been taken of the course of his conduct on this subject; but let me remind him that he distinctly impressed upon the House that these 1,750,000*l.* of Exchequer bills were distinct from the other 16,000,000*l.* Exchequer bills that were to be issued in the course of the year, and were entitled only to the name of Supply Bills in the strict sense of the term. I do think that after this statement had been made, if circumstances had altered in the interval—and I do not deny that such circumstances might not have occurred in conducting a war of such magnitude as that for which the right hon. Gentleman was responsible—but if circumstances had occurred so as to change the course originally determined on, was it not incumbent on him to have come forward and distinctly to have said so, and to have fairly announced it to the House? Although the right hon. Gentleman had quitted office, the Secretary of the Treasury, remembering the declaration that was made with respect to this particular Vote, that it was the keynote, the corner-stone of the financial system on which the war should be conducted—ought to have come forward and have said that, in consequence of the change of affairs and the difficulties that had arisen, the Government felt that it was no longer expedient to maintain this principle, and that they should recommend that this 1,750,000*l.* of Exchequer bills should be placed with the rest of the Exchequer bills; but, as far as I can recollect, no statement of any kind was made. Under these circumstances, I do not think that there is anything that justifies what has been said by the hon. Secretary of the Treasury and the right hon. Gentleman the Member for the University of Oxford on this subject, or that they were justified in objecting to the course taken by the hon. Member for Evesham, to whose objections no satisfactory answer has yet been given.

SIR FRANCIS BARING: Sir, I must make a few observations—but, following the example of the right hon. Gentleman who has just resumed his seat—not upon the present question, because I think, with him, it will be better to wait until we have the financial statement of the year before us previous to entering into that question. I will only say, that when that statement is made, I hope the Chancellor of the Exchequer will be able to present the same flattering picture which has been drawn by the Secretary of the Treasury. But there is a point to which a noble Friend of mine (Lord Monteagle) was the first to draw attention, and in which he is said by the right hon. Gentleman (Mr. Gladstone) to have misrepresented his conduct, upon which I must say a few words in vindication of my noble Friend. It is the vigilance of my noble Friend that has shamed the House of Commons, and they were indebted to his attention that the circumstances with respect to these Exchequer bills, which had escaped the House of Commons, had been brought before them. The observations made by my noble Friend had no reference to the late Chancellor of the Exchequer individually, but to a sum of money voted for Exchequer bills under particular circumstances and under particular pledges. The point was—that a certain amount of Exchequer bills was voted by the right hon. Gentleman upon the distinct pledge that it was to be a temporary loan, and that afterwards this was departed from without any notice to the House, and the bills, which were to be temporary, were made part of the permanent debt of the country. The answer to the charge is, that an announcement was made to the House that the intentions of the Government were altered. Now, I will show to the House that the statement, as made by my noble Friend, was quite correct, and justified by the only information to which he could resort. I need not recur to what took place in March last year, and the distinct and repeated explanations made by the right hon. Gentleman that the Exchequer bills in question were to be paid off out of the ordinary revenue of the year. The words were clear and distinct—"These bills will be paid off out of the current revenue of the year, and you will never hear anything more of them." This was a pledge most distinctly given, and it required an equally distinct and unequivocal withdrawal before these bills could properly be made part of the permanent debt. Let the House observe that the right hon. Gentleman himself drew a distinction between the mass of Exchequer bills which formed a part of the permanent debt and the Exchequer bills in question. But what took place on the 8th of May? The right hon. Gentleman stated that he then gave an explanation, announcing that he had altered his intention. What were his words?—

> "You then voted 1,750,000*l.* Exchequer bills (of which 1,250,000*l.* have been since issued), which makes a total amount of 58,406,000*l.*"—[3 *Hansard*, cxxxii. 1465.]

It is true that in that calculation he included these Exchequer bills, but he at the same time told the House that there were 3,500,000*l.* applicable to any purpose Parliament might think proper. I must say I read over the speech of the right hon. Gentleman, with the view of finding out any announcement of an alteration of intention; but I could not find it out. Nay, more; I have read it over again, after the right hon. Gentleman referred to the passage in question as containing his explanation on the occasion, and I cannot see it even now. And I must say I think he would have acted better if he had distinctly stated his change of intention as to these bills.

MR. GLADSTONE: It was impossible.

SIR FRANCIS BARING: The right hon. Gentleman says it was impossible.

MR. GLADSTONE: Quite. Quite impossible.

SIR FRANCIS BARING: The right hon. Gentleman now tells us that he had counted the bills in question as permanent debt, and told the House he had done so; and now he says it was impossible for him to have told them so. Now I desire to know whether the right hon. Gentleman says he did tell the House so, or that he did not? If he did, then he was certainly unfortunate in his manner of doing so, for no one understood him to have done so. If he did not, then how can his defence be that he did so? At one moment his defence is that he did tell the House so, and the next it is that it was "quite impossible" to do so. Nay, after the speech in question, in which he says he did do so, there was a debate on the subject, in which he was charged with having made a loan in an improper manner; and it was said, "You have charged 6,000,000*l.* of Exchequer bills." But if the House had understood the statement which the right hon. Gentleman now says he had made, that this amount of 1,750,000*l.* was to be added, hon. Members on that occasion would have charged him not with 6,000,000*l.*, but 7,750,000*l.* Yet no one in that discussion had the least notion that this sum of 1,750,000*l.* was to be deemed added to the permanent debt. The right hon. Gentleman does not seem to have made his case intelligible even to his late colleagues; for the defence they now make for him is not the defence he makes for himself. The right hon. Gentleman cannot have explained his defence to them, or they could not have understood him. And further, in the Queen's speech, at the close of the last Session, there was this passage—

> "I fully recognise your Wisdom in sacrificing Considerations of present Convenience, and in providing for the immediate exigencies of the War without an Addition being made to the permanent Debt of the Country."

Now what is the permanent debt? The right hon. Gentleman, in his own speeches on the subject, drew the distinction between the Exchequer bills temporarily issued and these bills in question; and he said of the other bills (of which these now form a part), "they constitute a debt, permanent in itself, but renewable from year to year." In fact, then, the right hon. Gentleman converted 1,750,000*l.* of bills voted as a temporary aid into permanent debt. [MR. GLADSTONE: Oh, oh!] Why, these are the right hon. Gentleman's own words, "A debt permanent in itself." Sir, under these circumstances no complaint can be more just than that the pledge which was given was not adhered to; and I confess I retain that impression myself. No doubt the right hon. Gentleman intended to convey the explanation which he says he did convey, but he is so quick himself, that he attributes to us more acuteness than we unfortunately possess in understanding his meaning. It is a misfortune that a measure of this kind should have been adopted without being sufficiently announced. I hope that in future it may not be so, and that we shall not have explanations which we cannot understand.

MR. GLADSTONE: I am sorry, Sir, that what has fallen from the right hon. Baronet renders it necessary for me to explain what I said in May. The right hon. Gentleman says that on the 6th of March, I expressed an expectation that these Exchequer bills would not be renewed, and that I did not explain in May that they would. My answer is, that it would have been impossible and absurd for me to do so, because I could not then have known of the intention to renew them. I said, in March, that, according to the plan then proposed, they would not be renewed; and I said, in May, that after making full provision for the estimated service of the country, it was necessary for me to have a further command of cash to the amount of about 3,500,000*l.*; and in that 3,500,000*l.* I expressly included the 1,750,000*l.* of Exchequer bills, and yet the right hon. Gentleman, I am sorry to say, states that he did not understand me.

MR. LAING said, he wished to make an observation upon a matter with respect to which much interest was felt in the City of London—namely, the money that had been deposited in savings banks. The Secretary of the Treasury had laid down the doctrine that, inasmuch as the Government received as bankers the money deposited in those banks, they ought to have the same privileges as were possessed by ordinary bankers. But private bankers were at liberty to go into the market and sell or buy according to such information as they possessed relative to public matters. Would any one suggest that the Government ought to do that, and that the Chancellor of the Exchequer was to make use of the information he possessed as a member of the Government in order to buy or sell to advantage? If he did he was sure that the greatest possible dissatisfaction would be caused, and if he did not he must be prepared at times to incur a certain loss in savings-banks operations. The Government could not conduct these transactions to any advantage, and he had no doubt that if all the operations relative to the savings-bank money were investigated, they would be found to entail a considerable loss. It was much more important for the Government to keep a high character in the City, and to put up with a small loss, than to seek to effect a profit upon such transactions. The best thing would be for the Government to deal with the subject by such an Act of Parliament as would remove the temptation to deal with this money.

Question again put.

SICK AND WOUNDED SOLDIERS IN THE EAST.

Mr. A. STAFFORD said, that he rose in no hostility to the Government to call attention to the medical arrangements for the sick and wounded soldiers in the East. The hon. Gentleman the Under Secretary for War had succeeded to the possession of an office associated in the public mind with the extinction of more hope and the infliction of more misery than time permitted to describe, and, therefore, he must be prepared to admit that distrust and doubt attached to the discharge of the duties of his office at present. Not only was the appointment of the Committee upstairs a proof of that distrust, but the whole country had, during the winter, resolved itself as it were into a Committee to assist the War Office and to save the remnant of that army which had left this country with hopes so bright and had been reduced to a condition so "horrible and heartrending." They had been recommended by a noble Lord in the other House to assist in raising more troops to be sent forth, and the best way to assist in the performance of that duty was to elicit from the Government such information as would show that our fellow subjects would be properly cared for in the East. According to the accounts received and the opinions of those acquainted with the country, with the appearance of early spring and summer a new class of diseases would be developed, and a new chapter of horrors would be revealed, unless the Government had taken means to remedy the causes. He hoped he should be told that the unspeakable horrors of the hospital at Balaklava had been remedied, and that it was no longer a disgrace to any civilised country, as it undoubtedly was when he saw it. If the waters of the Black Sea were clear enough, it was his belief that a vessel might be steered from Balaklava to the Bosphorus simply by following the track of the skeletons of those thrown over from the transports conveying the sick and wounded. He hoped to hear that the sick and wounded were not now kept so long in Balaklava Harbour; that an adequate medical staff was provided for the trânsport service; that the orderlies were no longer invalided soldiers or boys, incapable of attending to the sick, and only increasing the sum of disease and death; that the debarkation of the sick at Scutari was more satisfactory than it had been, and that due provision was made for the removal of the sick and wounded soldiers from the quay at Scutari to the various hospitals. The tendencies to typhoid fever and other diseases might shortly be expected to develope themselves in these hospitals, and he hoped that, unless the Government were prepared with arrangements for the purification of those enormous buildings, no consideration of trouble or expense would prevent abandonment of them altogether. The hon. Gentleman (Mr. Peel) would be aware that the late Government had established what he (Mr. Stafford) might call an experimental hospital at Abydos, and it depended upon circumstances whether that hospital would be abandoned or be permanently enlarged. The advantages of this hospital were its being on the highway of the Dardanelles, its absence from any large town, and its being placed under the superintence of one of the best public servants the Government had, Mr. Calvert. On the 6th of November last he wrote a letter to the War Office from Smyrna, calling attention to the fact that the French authorities had opened a hospital there, stating that he had visited it, and recommending the War Office to open a similar establishment in the same place. He pressed the same subject upon the attention of the authorities at Constantinople, but, meeting with no success, he was compelled to abandon it altogether. From communications which he had had with the residents there, he found that for three or four months in the year the climate of Smyrna was considered somewhat unhealthy, but that during the winter the temperature was not nearly so variable or severe as at Constantinople. Now, however, that the unhealthy weather was approaching, he understood that the Government had opened a large hospital at Smyrna. He did not blame them for having opened it, better late than never, and he believed that when they received information of the success which had attended the experiment at Smyrna, the result, as compared with Scutari, in regard to the health of the troops would be found to be most satisfactory. It appeared that the Government were about to adopt the plan of sending out wooden huts for the invalids, and during the time these huts were preparing the Government could receive information as to the most advantageous situations in the whole of the Levant upon which to erect them. He believed that well-ventilated wooden huts were better suited to warm weather, and more capable of being purified from contagion, than stone walls. It would therefore be false economy upon the part of the Government to stint the number of huts to be sent out, and they would not be discharging their duty to our brave troops in the East if they fixed the number for whom accommodation was to be found in these huts at less than 5,000 men. With regard to the propriety of imitating the French, and sending home as soon as possible all the invalids who were capable of bearing the journey, he believed, if they were sent home, the prospect of returning together with the change of climate would have a beneficial effect upon the spirits of the men, and numbers of transports now returning home empty might be employed thus at a comparatively small expense. He was bound, however, to state that, having spoken to several men who had come home invalided in Government vessels, the information which he had received had not been altogether of a satisfactory character, and unless the Government made better arrangements for the transport ships, it would be dangerous to encourage the removal of the men further than it had gone as yet. They must be prepared to view the comfort of the human cargo they placed on board as the chief and main object of the voyage; they must select as physicians and officers men in whom they had confidence, and they must place in the hands of the officers they appointed full power with regard to the internal arrangements of the vessels. Otherwise a far grater risk would be run in sending home invalids in transports than if they were kept in the hospitals. He understood that a medical staff was to be sent to Eupatoria, and he, for the sake of the Turkish contingent, hoped that such was the fact. With regard to the hospital at Smyrna, he believed that the principle of employing civil surgeons had been adopted. Hitherto surgeons connected with the civil service had been very unfairly treated. The most noble and disinterested offers had been made upon the part of certain members of the medical profession to the late occupants of the War Office, but answers had been received to those offers which, far from expressing any feelings of gratefulness for the patriotism displayed by those Gentlemen, had excited the strongest feelings of indignation throughout the whole body. The War Office did not avail themselves of the services of civil surgeons until they were urged to adopt such a course by public clamour. As there was now a civil hospital at Smyrna, besides the military hospital at Scutari, it was not impossible that a feeling of rivalry might spring up between the medical officers of the two establishments. If all the serious cases were sent to Smyrna the civil doctors might complain, and if the worst cases were kept at Scutari the military doctors would be dissatisfied. It was, therefore, of great importance that an officer should be appointed at Balaklava or Scutari, or at both those places, who, in the apportionment of the patients between the hospitals at Smyrna and Scutari, would do justice to the civil and military services. He (Mr. Stafford) wished it to be distinctly understood that in putting these questions he was not actuated by any feeling of hostility to the Government, and that any information he could give to the War Office or to any other department he would most willingly afford. He had been sorry to learn that it was not the intention of the Government to remove the invalid soldiers who had returned from the Crimea from the casemated barracks at St. Mary's, Brompton, in which they had been placed. He had lately paid another visit to those barracks, and he was bound to say that everything had been done to promote the comfort of their inmates. He must say, however, that the ventilation of the barracks was exceedingly defective, and the atmosphere at night must be so unwholesome that it would be most satisfactory to him if he could receive an assurance that it was intended to remove the invalids to some more salubrious quarters. He was satisfied that all those persons who had friends in the Crimea would feel great interest in this subject, and it would be satisfactory to them, as well as to the public at large, to learn in what manner the Government intended to provide for the remnant of our army.

MR. FREDERICK PEEL said, that it was quite unnecessary for the hon. Gentleman to disclaim being actuated by any spirit of hostility towards the Government, and from the attention he had bestowed upon the state of the military hospitals, both in this country and in the East, any suggestions which he might offer on the subject could not fail to be treated with respect and to receive attentive consideration. He agreed with the opinions which had been expressed in that House and in another place, that with the view of obtaining recruits for our military forces it was most desirable that the Government should be able to show that they neglected no means which either medical science, or the mechanical appliances at their command, rendered available, in order to enable invalid soldiers to regain their strength as speedily as possible and to rejoin the ranks of their regiments. He was not sorry that some delay had occurred since the hon. Gentleman gave notice of his questions, because in the interval the Government had received the Report of the Commissioners who had been sent out by the Duke of Newcastle to inquire into the state of the hospitals in the East, and during the last two days he had received authentic reports from Smyrna which enabled him to speak upon the climate of that place with some confidence. Before replying to the questions of the hon. Gentleman with respect to the hospital at Balaklava, he wished to say a word or two with reference to the regimental hospitals in the camp before Sebastopol. There had been in those hospitals a very large number of sick—at times, indeed, as many as 20 per cent. of the whole force under Lord Raglan's command. The numbers of sick and wounded men in those hospitals at this moment were not so large, but still they were very considerable. Although the Commissioners who had reported upon the state of these hospitals were in the Crimea during the first three weeks of January, when the cases were, he believed, of the most malignant character, and when the resources at the command of the medical officers were the smallest, it was plain that much suffering had been endured which a clearer insight into the amount of sickness likely to prevail during a winter campaign might possibly have obviated. The great defects with regard to the hospitals, it appeared, had not arisen from any deficiency in the number of medical men, for he believed there had been no deficiency in the number of surgeons attached to the different regiments, but from the want of means of housing the sick soldiers. Since the Report had been made, however, he understood that wooden hospital-huts had been provided for every regiment under the command of Lord Raglan. It was quite true that the general hospital at Balaklava had been in a state of great confusion, and that much which was necessary for the proper treatment of the sick had not been provided in that establishment. He believed the chief cause of the disorder which prevailed in that and in other hospitals was the overcrowding, which arose in the case of the hospital at Balaklava, not only from the number of sick sent down there, but also from that establishment having been made a depôt for the reception of the invalid soldiers sent down from the camp, who were to have been conveyed to the hospitals on the shores of the Bosphorus, but for whose transport no immediate preparation had been made. With respect to the hospital at Balaklava, it appeared from a letter written by Dr. Hall in January that wooden huts had been erected in the town in a most excellent situation, and that steps were being taken to erect from twenty to twenty-five huts, which would provide accommodation for some 500 patients. The next point to which the hon. Gentleman had called attention was the state of the transports carrying the sick from Balaklava to Scutari. It was quite true, as he had stated, that there had been in very many instances a great delay between the first embarkation of the sick and the date of the transport leaving the harbour of Balaklava. A few sick being placed on board at first, the vessel remained in the harbour until it was loaded, and thus for several days those who were first placed on board were obliged to remain for some time in the confined atmosphere between decks. It was also true that the nurses on board in the transports were often unfit for their duty, and insufficient in number. But arrangements had now been made, according to which four or five vessels had been fitted up as hospital ships, to which were attached soldiers as orderlies qualified for the duty, and these vessels, exclusively appropriated for the conveyance of the sick, would run between Balaklava and Scutari. According to the statement of the Commissioners who had an opportunity of inspecting one of these ships, which no doubt was a fair specimen of the rest—five in number, he believed—they appeared to possess all the substantial requirements for the service in which they were engaged. The supply of hospital utensils was sufficient, and there was an abundance of medical comforts on board. He therefore trusted that the passage between Balaklava and the neighbourhood of Scutari would be conducted with as little suffering as possible, under the circumstances, to the sick soldier. The hon. Gentleman also complained of the delay in the disembarkation of the sick at Scutari, and he (Mr. Peel) believed that delays of that sort had occurred partly from the want of small boats to ply between the vessels and the shore, and partly also from there being no accommodation in the hospitals themselves at the moment. He thought the cause of that complaint would be remedied by the measures taken to relieve the hospitals at Scutari. The hon. Gentleman was aware that there was a great number of different buildings appropriated to the reception of the sick at Scutari. The Commissioners had gone very patiently into the consideration of the whole administration of those hospitals; and he anticipated from their Reports, and the measures taken by the Government, that great improvements would be effected in all the different branches of administration. Some time since a gentleman was sent out from the War Office with a view to place the purveyor's establishment on a fit footing, and he believed that there would be no reason to complain of that for the future. The hon. Gentleman had observed that it was important that some means should be taken to relieve these hospitals as the warm season approached. He believed that they were at present overcrowded, and in connection with this subject he had to state the Government had made arrangements by private contract with Mr. Brunel, the civil engineer, to provide wooden huts without delay for the reception of 1,000 persons, and huts for a further number of 4,000 persons would be provided by public competition with as little delay as possible. Whether they would be erected on the Asiatic or European side of the Straits would depend on the advice of the local authorities. The hon. Gentleman had made some inquiry respecting the hospital at Abydos, but he (Mr. Peel) knew but little of that establishment, and he was not able to say whether it ought to be enlarged in the way suggested by the hon. Member. With respect to the hospital at Smyrna, an impression prevailed that the Government had selected for it a place which was unhealthy and where fevers were very prevalent; but he believed that impression to be entirely erroneous, and unfounded. He had collected several documents bearing on this subject, but he would dispense with reading them, because he was in possession of the Reports of the Commandant and the principal medical officer, which had been received so late as Saturday last. The Government had not established the hospital at Smyrna without making some previous inquiry with respect to the salubrity of the place. Dr. Morehead was sent to report on the place, and the information he supplied to the Government was very favourable. That gentleman stated:

> "There are tanks in the barrack square containing water, which is of good quality; and the Pasha of Smyrna, himself a medical man, states that the supply can be increased to any amount, it being conveyed by means of aqueducts from the neighbouring hills; he states that the convalescents from wounds recover very rapidly here, and that the situation is most healthy."

He had also a letter from a gentleman who had resided thirty years in Turkey, his head-quarters being Smyrna, and who stated:—

> "My experience tells me that Smyrna, instead of being the most unhealthy climate in the Levant, is without exception the most healthy of all the large towns in that country. Indeed, although I have travelled a good deal, I do not think I ever met with any place, situated in a hot climate, more so."

He would now read an extract from the Report of Dr. Macleod, dated the 3rd of March:—

> "I have put myself in communication since my arrival, not only with Drs. Wood and M'Raith, two intelligent and respectable medical men, who have long practised in Smyrna, but also with the consul and many of the chief merchants, with a view of obtaining their opinion of Smyrna in a hygienic point of view. All express their most unreserved conviction, that, except during certain visitations of plague, which fortunately of late years has become very rare, Smyrna will be found to be one of the most healthy places of the Mediterranean. Nay, many do not hesitate to assert, that if its inhabitants take only certain easy precautions, to be afterwards referred to, it may be accounted equal in this respect to the salubrious parts of England. Malaria is the chief and almost sole source of disease."

Colonel Storks, the commandant of the hospital, stated that Smyrna was a most desirable place to occupy, and as far as their limited experience went in the conveyance of sick, the voyage, though a long one, had not produced so bad an effect as was anticipated. This, however, he added, must depend in a great measure upon the transport-ships not being overcrowded. He believed the building in which the sick were placed at Smyrna was one of the most considerable, for a hospital, which was to be found in that country, but the number of sick there (about 750) was certainly more than that building could well accommodate. It had been suggested, therefore, that the Government should obtain from the Turkish authorities the loan of the lazaretto and other buildings more to the south; and wooden huts would also be erected in a large open space within the hospital walls. A letter from a gentleman who went out from the War Office, dated March 5, stated that the best results had been obtained from the hospital at Smyrna, and that the greater part of a batch of invalids arriving there on the 14th of February were then on their way back to head-quarters as convalescents. This gentleman stated that the air of that place was excellent and invigorating, which was not the case at Scutari, where the men lingered but did not rally. The greatest credit was due to Colonel Powell, who was sent out by Lord Raglan to organise this hospital, and who had been relieved by Colonel Storks, the present commandant. He believed he had already stated that the hospital at Smyrna was a civil hospital. About twenty-five physicians and surgeons had been sent out there, and the rates of pay which those gentlemen were receiving, though not fabulous in their amount, as had been hinted at by some, were very liberal. He was quite unable to account for the remarks made by the hon. Gentleman (Mr. A. Stafford) as to the treatment which certain civil practitioners received from the War Office when they offered their services to the Government. He was quite sure that no intentional slight was offered to those gentlemen; on the contrary there was every disposition on the part of the Government to avail themselves of such offers. He would now say a few words with regard to the convalescent stations which the Government had established. At present the only two places assigned for the reception of convalescents were the two ships in the Bosphorus. It was, however, absolutely necessary that the soldiers should be received at some convalescent station previously to their return to camp. It had been represented with great truth, that the confinement of persons between decks in hospital ships was very prejudicial, and the Government had therefore given directions that convalescent stations, capable of accommodating 1,000 persons each, should be established on the island of Gozo, near Malta, and also at Corfu. With regard to the transports for the conveyance of invalids home to this country, it was very possible that, as they were now fitted up, they were not suitable for the reception of sick and wounded; but the Government had arranged for the fitting out of two steamers, which were now preparing at Liverpool, and they would be provided with surgeons and with proper fittings, and would, it was believed, by the month of June, bring some 4,000 sick from the hospitals in the East. In that way great relief would be afforded to those establishments. With regard to the army under Omar Pasha at Eupatoria, the Government had sent out twenty medical men, placed under the charge of Dr. Fuller, and those gentlemen had already left this country. As to the casemates at St. Mary's, Brompton, he had understood that those barracks were not appropriated to the reception of soldiers under medical treatment, but that those who were waiting for their discharges were placed there temporarily. He had now, he believed, answered the different questions which had been put to him by the hon. Member, and it only remained for him to repeat, in conclusion, that Government would be always anxious to give the fullest information on this subject, while they were equally resolved that no unwillingness to owe improvements to the suggestions of private persons should deter them from accepting any recommendations that might come from the hon. Member, or any other Member, which were calculated to mitigate the sufferings of the sick and wounded.

VISCOUNT PALMERSTON: Sir, I trust the House will rest assured that Her Majesty's Government will take effectual measures for the recovery, the cure, and the treatment of those brave and gallant men who have either suffered in conflict with the enemy or whose constitutions have been impaired by exposure incidental to the service. I can assure the House that my noble Friend at the head of the War Department feels that to be one of the most incumbent duties which he has to perform. Besides those different measures which have just been stated by my hon. Friend—I think it has already been stated to the House, but I wish to repeat it—there were not long ago sent out three distinguished civilians to examine into the state of the hospitals in the Levant. They were men who had made it their study to investigate all the circumstances connected with sanitary arrangements, and they have been sent out to the Crimea to look into such matters there. They are—Dr. Sutherland, Dr. Gavin, who was employed on a similar service in the West Indies; and Mr. Rawlinson, a civil engineer. These are gentlemen of the highest attainments in regard to the matters on which their attention is to be turned. The specific object they will have in view is precisely that to which the hon. Gentleman (Mr. Stafford) has adverted, namely, to ascertain if those arrangements have been made in the hospitals, in the barracks, and in the transports, upon which mainly depend the question of sickness or of health. The immediate purpose, indeed, for which they were sent out was to examine all the hospitals at Scutari, at Constantinople, at Balaklava, and at the camp, and to suggest those measures which they might deem essential for placing these buildings in such a condition as to be healthy and perfectly consistent with the purpose to which they are devoted. I wrote myself to Lord Stratford de Redcliffe, to Lord William Paulett, and to Lord Raglan, recommending those gentlemen to their particular care and protection, and requesting that whatever arrangements — whatever improvements—these gentlemen might point out as necessary for the health of the sick or the comfort of the soldiers, should be carried into effect immediately, without reference to any professional jealousy, or any professional obstacles that might be thrown in their way. What they recommended was forthwith to be done; and whether the carrying out of their suggestions depended upon any communication with the Turkish Government, or upon the report of the medical officers in the service or not, I requested that no impediment whatever should be placed in the way of effecting such arrangements and such changes as these gentlemen might recommend. I cannot, then, but hope that when these very distinguished men have arrived at their destination, and have examined these places and pointed out the changes they think necessary, that a very rapid and great improvement will take place in the health of the persons laid up in the hospitals.

Colonel KNOX said, he wished to call attention to one point connected with the arrival of wounded soldiers home from the war. It was the system of the service upon an officer returning home from the field of action, when he had been reported as having been dangerously, seriously, or slightly wounded, to require him to go again before a medical board. It often happened that when a man was blessed with a good constitution, though reported dangerously or seriously wounded, he was able to recover in a short space of time. In such case a great act of injustice was frequently committed by the medical board, who perhaps said to him, "You are looking remarkably well, we will not give you so much as we would give to others." On the other hand, a general returning home but slightly wounded, and not blessed with so good a constitution, on presenting himself to the board, might be accosted thus—"You are looking very ill;" and they would give him a higher rate. Now he (Colonel Knox) wished that some plan should be laid down by which the report made by the medical authorities upon the field of action as to the wounds of those persons would be considered final. There was great discontent felt upon this subject, and he hoped the Government would cause an inquiry into the matter so as to prevent any injustice being done to these parties. A circumstance had come under his own knowledge at that moment which exposed the injustice of this system. A most distinguished officer of the Guards was shot through the lungs at the battle of Inkerman; but he was allowed no compensation, because it was said that he had recovered very well, and that the wound did not signify. He held that gentlemen wounded in the service of their country, and sent home, should not be exposed to the caprice of those medical men, who were not very nice as to how they ought to assess the damage. He also thought that some arrangement should be made for granting pensions for wounds to non-commissioned officers.

Captain DUNCOMBE said, he thought he understood the hon. Under Secretary of War to say that in the hospital ships the berths were placed at right angles amidships. Now, he hoped that they were placed fore and aft, as being more healthy and convenient for the men themselves. With regard to the hospital at Smyrna, he had some experience of the climate there, and instead of its being the unhealthy place as noticed by the public papers, he did not think it was at all deserving of that character. He would recommend the erection of an auxiliary hospital at Buona Beshi, a healthy spot on the hills near that town.

Mr. PERCY said, he would beg to point out that unless the landing pier at Scutari was repaired the boats of which the hon. Gentleman (Mr. Peel) had spoken would be of little use. If the Spring Palace at Scutari was to be taken as a hospital, he hoped the Government would take care not to retain it for that purpose after the month of May, as it would then become unhealthy. If wooden huts were erected within the hospital walls at Smyrna most injurious consequences would assuredly follow. He believed this plan was attempted at Scutari, but had to be abandoned. These places were all built in the form of a court, and the erection of huts greatly interfered with and impeded the ventilation. Another point to which he was most anxious to direct attention was the ventilation of transport and hospital ships, to which he recommended that Dr. Arnott's plan should be applied. It was at present most defective, from its being impossible to keep the hatchways open in a gale.

Mr. FREDERICK PEEL said, there had been hospital huts erected in the yard of the infantry barracks at Scutari; but the moment the Government were made aware of it, their removal was directed. The huts proposed to be erected at Smyrna were to be on a parade ground adjoining the hospital, but not within its precincts.

Mr. KINNAIRD said, he wished to know if it were the intention of Government to provide an increased number of chaplains, and also to send out additional nurses to the hospitals?

Mr. FREDERICK PEEL said, it appeared that the number of chaplains was not sufficient at Scutari; the Government had it under consideration whether any addition should be made to the number. He was not aware that any arrangement was in contemplation at present for sending out an additional number of nurses.

Motion *agreed to.*

SUPPLY—POST OFFICE SERVICES.

House in Committee; Mr. Bouverie in the Chair.

1,638,861*l.*, Post Office Services.

Mr. WILSON said, he wished to explain that in consequence of the late hour of the night he agreed to postpone the first two Votes—namely, for the Customs and for Inland Revenue. He proposed, therefore, only to take a Vote for the Post Office.

Colonel DUNNE said, that that was the very Vote which he wished to have postponed, as he was anxious to bring before the House the many abuses that existed in the Irish Post Office system. He should, therefore, move that the Chairman report progress.

Motion made, and Question proposed, "That the Chairman do report progress and ask leave to sit again."

The Committee *divided*:—Ayes 19; Noes 72: Majority 53.

Colonel DUNNE said, he could not at that hour enter into a discussion of the abuses connected with the Post Office in Ireland. The management was as bad as could be. The hon. Gentleman must be aware that numerous representations had been made from all quarters on the subject of the Irish mails. After the decision that had just been come to, he would merely content himself with protesting against the system, reserving further remarks till a better opportunity.

Mr. WILSON said, he willingly admitted that reformation was required as regarded the postal arrangements for Ireland. Numerous representations, which he believed well founded, had been made on the subject. He knew that the Postmaster General was of opinion that a searching inquiry ought to made into the subject. At the same time, no part of the postal arrangements of the United Kingdom had a larger share of attention than those relating to Ireland. He could state that every attention would be paid to any representations on the subject.

Colonel DUNNE said, that what the hon. Gentleman had just stated fully justified him in the course he had taken.

Mr. THOMSON HANKEY said, he wished to know why the superannuation allowances were placed in a separate Vote, and not included in the present Vote.

Mr. WILSON said, that it was in consequence of the alteration made in the schedule of the Bill last year by the House of Lords.

Lord NAAS said, he wished to call attention to the conveyance of mails by coaches and cars over districts where they might be carried by the railway. He had no doubt that the railways were partly to blame, but there was no point in the reforms of the Post Office in Ireland which more required redress than this.

MR. F. SCULLY said, he could confirm this statement, for he knew that in some parts the mails were carried, not by coaches or cars, but by men, and that valuable letters were in consequence often lost.

COLONEL DUNNE said, he must express a wish that the accounts should be simplified, and those of England and Ireland kept distinct. He trusted that means would be taken to compel the railways to carry the mails at a reasonable rate, for he believed that it was owing to their high demands that the mails were not carried by them at present. He hoped that some statement would be made of the reforms intended.

MR. KIRK said, he could not avoid complaining of the arrangements by which the mails were sent from London to Dublin. The correspondence of merchants and others was, in consequence, unnecessarily delayed. He thought it was quite practicable to obviate these delays by a very easy alteration in the hours of their departure.

MR. GROGAN said, the anomalies of the Post Office were general all over Ireland, and should be taken into immediate consideration, with a view to their removal.

MR. VANCE said, a great many complaints had been made that the Report of the Commissioners intrusted, some time ago, with investigating the condition of the Dublin and Edinburgh Post Offices, had not as yet been acted upon, and the public were consequently the sufferers. Another matter calling loudly for complaint was the paltry sum allowed for salaries to provincial postmasters in Ireland. In some instances he could state these persons were paid as little as 4*l.* or 5*l.* per annum; while they were permitted to supply the deficiency by charging private individuals so much for depositing letters in their bags. He wished to know when the Report of the Commissioners would be laid upon the table of the House?

MR. COWAN said, he begged to be allowed to ask whether there was any likelihood of the promised revision taking place in the salaries of the Edinburgh Post Office officials, or whether there was any immediate prospect of their being increased?

MR. HUTCHINS said, that without reference to the comparative merits of the complaints coming from Scotch and Irish Members, he could not help stating that, at all events, the estimate for Scotland was much less than that for Ireland. [*Cries of* "No, no!" *from the Irish Members.*]

MR. VANCE: For example, if the hon. Member will look to the printed statement, he will find that whereas the secretary in Scotland receives 1,000*l.* a year, the Irish secretary gets but 800*l.*

MR. MICHELL said, he wished to ask how it came to pass that the salaries of all the higher officials in the London Post Office had been raised, while such paltry sums were paid to country postmasters and letter-carriers? The whole establishment, in his opinion, required revision.

MR. MAGUIRE said, he could only describe the Irish Post Office arrangements as a "Heaven-born mull;" and he must complain that, although steps had been taken to accelerate the mails in England, no similar steps had been taken in Ireland, and it was actually a fact that in some districts the towns were further apart than they were 100 years ago. This was perfectly disgraceful to the Government. Things were done in Ireland which would not be tolerated by the most contemptible constituency of the meanest district in England or Scotland.

MR. SEYMOUR FITZGERALD said, that even if the cost of the Irish establishment was greater than that for Scotland, there was sufficient reason for it in the fact, that the population of Ireland, and the business transacted by the Post Office in the latter country, were much greater than in the former. But in reality the fact was not as had been asserted. He wished to call the attention of the Committee to the inadequate remuneration of the provincial letter-carriers, both in England and Ireland. They were actually often paid less than ordinary field labourers. It was really holding out a premium for dishonesty, to pay men, intrusted often with registered letters containing money, some 9*s.* or 10*s.* per week. These wages were obviously very insufficient for men who had frequently to travel ten or twelve, or in some cases as much as twenty, miles a day.

MR. MACARTNEY said, the whole Post Office system was so ordered as to cut down the public accommodation in order to swell the public revenue. He wished to call attention to the necessity of some measure for sending the mails by railways, satisfactory to the railway companies and to the public.

Mr. HUTCHINS said, if he, as an English Member, put a finger on a grievance, whether it referred to Ireland or England, he should not be deterred from pointing it out by disapproval of Irish Members.

Mr. WILSON said, that the most important point upon the subject of the Post Office which had been discussed that night was with reference to the conveyance of mails by railways. Last year a great many discussions arose upon the matter, and a Committee was appointed to investigate the whole question on the broadest basis. The Report of that Committee had been for many months upon the table of the House, and doubtless many hon. Gentlemen had seen it. One of the recommendations advanced by the Committee was, that some general basis should be laid down by a Commission of scientific men to serve as a guide to the referees appointed by the railways and the Post Office to determine the rate of payment to the railways. The duty of that Commission which had been recently appointed would be to examine the case with reference to the postal communications, and to lay down as clearly as possible some general rule of charge for the employment of railway carriages under three or four circumstances: first, carrying the mails by the ordinary passenger trains; secondly, by trains appointed specially for Post Office purposes, but carrying passengers; and thirdly, for carrying letters by railways without any passenger communication whatever. When the Government had obtained the Report of that Commission, he thought the House would be disposed to pass some Bill which should render it more compulsory and more easy than at present on the part of the railways to give their services upon reasonable terms to the public. There could be no doubt, as he had already stated, that there was some inconvenience attending the arrangements respecting the transmission of mails from London to Dublin, but the Government had made repeated efforts to effect improvements, many of which had worked well, and at the present moment there was under the consideration of the Government a plan for accelerating the mails by a more rapid transit from Holyhead to Kingstown. It would, however, be attended with considerable expense. The Government was most anxious that the Post Office service in all parts of the United Kingdom should be made as efficient as possible, and there was no practical suggestion for that purpose which they did not adopt without delay. With respect to the salaries of letter-carriers in country districts, they were, no doubt, small, but the men had important emoluments, and the places were eagerly looked after.

Vote *agreed to.*

House resumed.

The House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, March 20, 1855.

Minute.] Public Bill.—3ª Commons Inclosure

CASE OF MR. CARDEN.

Lord BROUGHAM said, he wished to put a question to his noble Friend the late Lord Lieutenant of Ireland, in reference to the case of Mr. Carden. He was anxious to know whether his noble Friend would have any objection to state what were the circumstances under which that criminal had been liberated before a considerable portion of his sentence had been carried into effect? He hoped to be quite understood, as not in the remotest degree imputing improper motives or want of due care to his noble Friend.

The Earl of ST. GERMANS said, that so far from having any objection to answer the question, he was very much obliged to his noble and learned Friend for giving him an opportunity of explaining a case with respect to which very much misconception prevailed. Mr. Carden, as their Lordships were aware, had been convicted at the Tipperary assizes last summer of attempted abduction, under circumstances of violence, of a young lady, and had been sentenced to two years' imprisonment with hard labour; and it had been the intention of the Government to have allowed him to undergo the full measure of that sentence. Some time ago, however, it had been represented to him by several magistrates of the county of Tipperary, who in their official capacity had visited the gaol of Clonmel, that Mr. Carden's health was very seriously impaired, and that a prolongation of his imprisonment might prove fatal to him. To those representations he (the Earl of St. Germans) had paid no attention. But subsequently a certificate reached him from the medical officer of the gaol of Clonmel to the same effect, and then he found that he could no longer decline to institute an inquiry into the case. It was said that in Ireland there was one law for the rich and another for the poor; and in the present instance that saying was in a certain sense true, because if Mr. Carden had been a poor man he should at once have ordered his liberation from confinement on the receipt of the certificate of the medical officer. But as Mr. Carden was a rich man, it was a case in which he thought that he ought to take unusual precautions for the purpose of seeing that justice should not be unfairly evaded; and he had, therefore, sent down to Clonmel a medical man of the first eminence in Dublin, Sir Philip Crampton, to inquire into the state of Mr. Carden's health. Sir P. Crampton, after having instituted that inquiry, reported that he had no hesitation in saying that there was so grave an accumulation of symptoms that a prolongation of Mr. Carden's confinement for a few months would be fatal to him. Under these circumstances he believed he should have been perfectly justified in ordering the release of Mr. Carden. But he had not done so. Knowing that Mr. Carden was a man of large property and had many wealthy friends, he had thought himself at liberty to require that he should enter into securities for his future good behaviour. He had accordingly caused it to be intimated to Mr. Carden that he was prepared to order his liberation if he would enter into recognisances, himself in 20,000*l.*, and two sureties in 5,000*l.* each, that he would leave the country for the remaining period of his sentence, and that he would keep the peace towards all the subjects of Her Majesty, and more especially towards the young lady whom he had attempted to abduct, for a period of ten years. He understood that, in the first instance, Mr. Carden had acquiesced in that proposal; but before he (the Earl of St. German) had left Ireland, he had been informed that Mr. Carden had taken exception to a clause in the recognisances, and had refused to accept the change of punishment on the conditions in question. Those were the facts of the case, and he believed they were far from showing any disposition on his part to frustrate the ends of justice from a partiality in favour of a man of rank and property.

Lord BROUGHAM said, that the statement of his noble Friend was a complete answer to any suspicion which might exist, that the course pursued had been influenced by the station of the criminal—indeed, he thought that the noble Earl had shown that there was evidence enough to justify him in discharging Mr. Carden without entering into recognisances. Now that he had refused to avail himself of the permission, his case came under the consideration of the Home Department.

The Marquess of LANSDOWNE thought that the proper course had been taken, and hoped that the certificates of the medical men would be produced.

The Earl of EGLINTON said, he believed that great caution ought to be exercised in dealing with medical certificates of that description. He knew from his own experience that certificates were in many cases given by medical men to the effect that prisoners were in a very dangerous state of health, although it afterwards appeared, on full inquiry, that no such danger existed. He would suggest that the medical certificate in this case should be produced.

THE COURT OF PRUSSIA AND THE CONGRESS OF VIENNA.

Lord LYNDHURST,* in rising, pursuant to notice, to call the attention of the House to the position of Prussia with reference to the approaching negotiations at Vienna, said—

My Lords, I have been for some time desirous to call your attention, in the terms of the notice, to the position of Prussia with respect to the negotiations that are now pending at Vienna. I shall do this with the more freedom, because, not being connected with the Government, nothing that falls from me as an individual can cause embarrassment or inconvenience to Her Majesty's Ministers.

I need scarcely remind your Lordships that the Prussian Government has urged in the strongest way its claim to attend at these negotiations, and not merely to attend the negotiations, but to take an active part in them. This claim has been most strenuously opposed, and properly opposed, by the Allied Powers. It is a question of deep interest; but this and other matters connected with it have been thrown into so much obscurity by the diplomatic mystification of the Court of Prussia, that I think I shall perform an acceptible service to your Lordships if I endeavour to disentangle them from the complications in which they are involved, and state them plainly and simply to your Lordships.

Two circumstances have occurred within a recent period which have added to the interest of this question. One of these is the message sent by the late Emperor in the last stage of his illness to the Prussian Court, exhorting the King of Prussia to remain the same for Russia, or, in other words, to continue the same line of policy that he has hitherto pursued with respect to that Court; and, further, recommending strongly to the King of Prussia to remember the counsels of his late father, who was, we all know, warmly and zealously attached to Russia. The other circumstance to which I allude is the manifesto of the new Emperor, in which he has declared his intention to uphold, at the highest pitch, the glory and honour of his kingdom. And for what purpose? For the purpose of enabling him to accomplish the views and desires of his illustrious predecessors—Peter, Catherine, Alexander, and his immediate predecessor, the late Emperor. Now, my Lords, we know that the prominent and never-ceasing wish and desire of these respective sovereigns was to overthrow the Ottoman Empire, and to establish the Russian Government in Constantinople, or, in the words of the Czar Peter, to obtain the key of his dominions.

I confess, my Lords, that I, for one, never anticipated any active or cordial support to the Allies from the Court of Prussia, and I think that I could state to your Lordships reasons, satisfactory and convincing, in support of that opinion. But this would lead me too much into detail, and too far from the immediate object I have in view. I cannot, however, forbear reading to your Lordships part of a diplomatic despatch from an eminent diplomatist of Russia, addressed to Count Nesselrode immediately before the last war between Russia and Turkey. I read this because it not only describes the view taken by that diplomatist, at the period to which I refer, of the policy of the Court of Prussia, but because I consider it to be descriptive, and almost prophetic, of the course which Prussia has recently pursued. I have stated that the despatch was written when Russia was preparing to make war against Turkey on the last occasion. The diplomatist, after alluding to the good disposition of the Court of Prussia, proceeds in these terms, which I think are well worth the attention of your Lordships—

> "Suppose, then, that Russia should undertake alone to put in execution those coercive means, there is every reason to believe that the Court of Berlin would not in any manner oppose it."

Not only does the diplomatist say that the Court of Prussia would not in any way oppose them, but he proceeds thus—

> "On the contrary, her attitude, at once unfettered and friendly, would operate as a powerful check on other States, and bring them to submit to results suited to the dignity and interests of Russia."

How descriptive, my Lords, of what we have observed with respect to the conduct of Prussia for the last twelve months, during which she has been acting constantly as a check upon Austria, opposing her measures, and preventing her from joining in active co-operation with the Allies for attaining the great objects of the war. He concludes thus—

> "It will be necessary to let the Cabinet of Berlin, to a certain extent, into our confidence, and to convince it that the part we assign to Prussia will contribute to increase the happy intimacy between the two Sovereigns and the two Courts."

Is it possible, my Lords, to conceive anything more anticipatory—more prophetic of the course that has for the last twelve months been pursued by the Court of Prussia?

It was supposed by many persons that Prussia, having become a party to the protocols of the 5th of December, the 13th of January, and the 9th of April, would actively co-operate with the Allies. But a little consideration would, I think, have led those who entertained that opinion to see that such an inference was wholly fallacious. In a contest between Russia and the other great Powers of Europe, it was impossible that Prussia should not take a part; she must have been content otherwise to have been placed in a position of absolute isolation, derogatory to her character, destructive to her influence, and reducing her, in fact, for a time, to the state of a second-rate Power. On the other hand, considering the conduct of Russia, the violent course she had pursued, the indignation felt throughout the dominions of Prussia, throughout Germany, and throughout Europe in general, at her conduct, it was impossible, as my noble Friend opposite has repeatedly stated, that she could openly espouse the cause of Russia. She had no alternative, therefore, but to attend the Conferences; and, attending the Conferences, to sign the protocols to which I have referred.

What, then, was the object of those

protocols? It was to declare that the parties to them would procure the evacuation of the Principalities, and would obtain guarantees for the protection of the independence of the Sultan and the integrity of the Turkish Empire. These were the declared objects of the protocols. In what manner has this intention been followed up by the Court of Prussia? In pointing this out, I cannot do better than refer to the language of Baron Manteuffel, the Prime Minister of Prussia, upon the occasion of proposing the loan of 30,000,000*l.* for military purposes.

Upon that occasion he stated in distinct terms that Prussia, by expressing her sentiments upon the conduct of Russia—referring to the protocols—had done all that was necessary; he did not think she was called upon to go further, or to take any active measures. He further stated—and I would press this upon your Lordships' attention—that he did not conceive the independence of Germany or German interests to be involved in the contest, and that Prussia was therefore not called upon to make any sacrifices. That statement was made in the Lower Chamber, and there can be no misapprehension upon the subject; it cannot be said that this is an incorrect representation of what passed, for it was repeated in substance upon two other occasions, namely, in the Committee upon the loan, and afterwards in the Upper Chamber.

I beg, then, to draw your Lordships' attention to the situation of Prussia and her obligations at that time, and to her conduct in pursuance of those obligations. She had been a party to the treaty of 1840 and to the treaty of 1841. By the preambles of those treaties she was engaged in the strongest manner; not, indeed, in specific terms, but by the strongest implied engagements, in point both of interest and of honour, to maintain the independence of the Sultan and the integrity of his dominions. The Principalities had been invaded without any pretence of right, but in the most flagrant violation of all principle, by the armies of Russia. The revenues of the Principalities had been seized, private property sequestered, and the inhabitants compelled to join the Russian armies for the purpose of making war upon their own Sovereign. Such was the actual state of things. In addition to the obligations I have stated, arising out of the treaties to which I have referred, was the additional engagement entered into by the signature of the protocols.

In this state of things the Prime Minister of Prussia was not ashamed to declare that, although a great wrong had been committed, his Government having expressed their sentiments upon the subject, they did not think it necessary to go further, or to take any active measures. Is it possible, my Lords, to conceive a greater neglect of duty, an act more derogatory to a great Power—more degrading, than, after having admitted such a wrong, which she was bound by treaty and by repeated engagements to redress, to satisfy herself with admitting and lamenting that wrong, without taking any means whatever for the purpose of redressing it?

But this is only part of the case. German independence and German interests, the Minister adds, are not involved in this question, and therefore we are not called upon to make sacrifices. German independence not involved in this question! Why, my Lords, I said on a former occasion, and I now repeat, that the interests and independence of Germany are much more closely involved in this question than those of the Western Powers, either of England or France, who have made, and are still making, such large sacrifices for the purpose of promoting German interests, establishing German independence, and defending the cause of civilisation throughout the European world. Let the Czar once be established at Constantinople, and it would be worse than idle to talk of German independence. It was a well-known saying of Frederick, the most sagacious of the Prussian monarchs, that "in that event the Russian would be at Konigsberg."

If, in saying that German interests are not involved in this contest, the Minister means commercial and material interests, how is it possible that even, in this restricted sense, such an assertion can for a moment be maintained? Is not the freedom of the navigation of the Danube a question essentially connected with the material and commercial interests of Germany? It is true that, as far as Prussia is concerned, her commercial interests are not connected with the Danube, for her rivers flow northwards, and that is the direction of her commerce; but with respect to Central and Southern Germany, the great channel of communication outward and homeward is by the Danube. How, then, can it be said, even in this limited sense, that her interests are not affected by the encroachments of Russia, and involved in the present contest? If it were necessary to refer to authorities on this subject, I might refer to that of Baron Manteuffel himself, expressed in a document to which I alluded on a former occasion, and part of which I will now read to your Lordships. It states—

> "The interests for which we are labouring, amid impending complications, are, from their very essence, the interests of entire Germany."

Referring to the navigation of the Danube, it then goes on to state—

> "That a well-regulated state of affairs in the countries on the Lower Danube is of essential importance to the material interests of Germany."

How are we to reconcile these inconsistencies? How explain this extraordinary conduct on the part of a great Power like Prussia? I can only understand it upon the supposition of the existence of some secret and overpowering influence which Prussia has either not the wish or not the power to resist—the influence, perhaps, of a strong, of a powerful and determined mind, over one of a weak, fluctuating, and irresolute character.

There are, my Lords, some circumstances connected with this part of the question, which, though of a more personal character, I must bring before your Lordships. At the Committee on the Prussian Loan Bill, the late Minister of War (General Bonin) ventured to say, what my noble Friend opposite has often stated—

> "That it was impossible that Prussia could co-operate with Russia on a question of this kind; that it would be an act of parricide towards the States of Germany."

What were the consequences of the expression of this honest opinion—what followed? He was desired to attend the King; he was received in the usual kind manner by his Sovereign, almost embraced by him; he was complimented for his able and active services, for his talents, for his devotion to his duty. The conversation for some time proceeded in the same strain; but towards the close it was intimated to him that it would be inconvenient to the Government that he should continue to hold the office of Minister of War. What was the result? In a few days afterwards he sent in his resignation.

Need I remind your Lordships that the representative of Prussia at our own Court, a man of great learning, great talents, and attainments—a profound statesman, well conversant with the interests of his country and of Europe—finding the course pursued by Prussia to be inconsistent with the opinions he had expressed as to the policy which it ought to pursue, and not choosing to be an agent to carry into effect that which he disapproved, or to defend that which he had condemned—resigned his office, and is now pursuing his valuable literary labours at the University of Heidelberg. This is in the same character with the other instance to which I have referred.

At a more recent period, towards the close of last year, the King of Prussia, in a Speech from the Throne, with his usual eloquence—for which, I am told, he is remarkable—enlarged on matters of family and domestic interest and other affairs. As a matter of course, according to the usual courtesy, it was expected that an Address in answer to the Speech from the Throne would be presented; but, as it was supposed that the Address might contain observations which might not be quite agreeable to the Royal ear, it was stated by the Ministers that the Address should be dispensed with—that it was wholly unnecessary—that it was not required. Leaving your Lordships, then, without further comment of mine, to draw your own conclusions, and to form your own opinions from the facts which I have stated, I will close the first act of this political drama.

I will now pass to the next step in these proceedings. It was considered by Austria, after a certain interval, that it would be proper to call on Russia to evacuate the Principalities. The demand was drawn up and sent to the Court of Berlin for the Prussian signature. This was considered to be rather a strong measure, and she did not choose to put her signature to such a document; but in more gentle terms proposed, either through the resident Minister at Berlin, or by a special envoy, to support the demand. In what terms this support was conveyed, with what earnestness and zeal, will probably never be known, but must be left to your Lordships to conjecture. The result was, that the demand was rejected by Russia—but though rejected, it was not rejected in terms, but by certain counter-propositions being sent for the adoption of Austria. These counter-propositions applied only to a part of the case—only to some of the questions that were in controversy between the Allies and

Russia, and were clearly inadmissible. But it being considered proper that the Allies should be consulted, it would, of course, require some time to return an answer; and Prussia pressed Austria in the strongest manner to stop the march of its troops collected on the borders of the Principalities, and not to cross the border until this question should be finally decided. To this proposition Austria acceded. Russia then gave notice that she should evacuate the Principalities, and withdrew beyond the Pruth, and stated that she would act only on the defensive.

Now, my Lords, mark what, upon this, was the conduct of Prussia. Although the propositions related to only a part of the subjects in controversy, and were evidently insufficient, still it was contended that they contained all that could reasonably be required; and that, as Russia had evacuated the Principalities, and said that she would only act on the defensive, the result was satisfactory; and Prussia availed herself of these circumstances to excuse herself in withdrawing from the Confederacy. Having thus detached herself from the Confederacy, what was her next step? She immediately set herself in opposition to the policy of Austria. Austria was endeavouring to induce the minor States of Germany to co-operate actively with the Allies, for the purpose of restraining the aggression of Russia, and securing the tranquillity and independence of Europe. She exerted herself to the utmost for this object; while Prussia, having taken the course which I have pointed out, made use of every artifice and intrigue to frustrate these measures, making propositions not only to the Diet, but separately to individual States, with the view of persuading them to refuse their assent to the proposals of Austria; and in this, I regret to say, she was, to a great extent, successful. Now, I do not ask your Lordships to come to the conclusion, that Prussia was acting in concert with Russia; I do not ask you to say that she was acting as the servile agent and instrument of that Power; but this I may venture to assert, that if she really filled that character—if she were so acting in concert with, and as the instrument of Russia, she could not have served that power more effectually, than by the course which she has thus pursued. And further, my Lords, at the very time when Prussia was thus acting, and calling upon the minor States of Germany to withhold their active co-operation from Austria, Russia was engaged, as if in unison with Prussia, in thanking publicly and ostentatiously two of the German States for refusing to take part in the war.

I have said that I had concluded the first act of this political drama; I may now observe that I have reached the close of the second; and I will now call your Lordships' attention to the third and last. Austria found it necessary to take a further very important step in this business in conjunction with the Western Powers. The Allies appointed a meeting to be held on the 8th of August, at Vienna, for the purpose of deciding on what should be required of Russia as the basis of any preliminary negotiation. Notice of this appointment was at first given in the usual way to the Court of Prussia, and was repeated on a second occasion. Prussia, however, did not think proper to attend the meeting. She did not, indeed, expressly state that she would not be present, but she did not, in fact, attend; and in consequence of her absence, instead of drawing up a protocol, a note was signed by the three Allied Powers, laying down as the basis for future negotiation, the "four points," respecting which so much discussion has arisen. These four points, thus settled, were sent to Russia for her acceptance, and were at once rejected, What course did Prussia then adopt? She published and circulated a document, objecting, on her own part, to the four points; objecting in particular to the joint protectorate; and taking various other exceptions to these proposals; and not only so, but continued to carry on, in the Diet at Frankfort and throughout the States of Germany, the most active opposition to all the attempts made by Austria to induce those States to co-operate actively with the Allies. She thus separated herself from the Allies still more widely than before; for not only did she refuse to attend their meeting, but she objected to the result of that meeting, and to the decision to which they came, and further endeavoured in every way to thwart and defeat their policy.

The next step, and the final one, in this history, is the treaty of the 2nd of December. The Allied Powers met and negotiated that treaty, the object of which was to call upon Russia, within a month from its date, to make such proposals for peace as they could accept; and stipulating that n the event of failure they would concert as to the future measures to be adopted; obviously meaning coercive measures. When that document was signed, notice was given to Prussia that room had been left for her to give it her adhesion. She refused, however, to join in the treaty. Some formal objections were raised; and in the result she stated that she would not object to conclude separate treaties with this country and with France to the same effect as the joint treaty. An answer was returned that if she would accede to a separate treaty, having the same effect, with France, and also to another with England, no objection would be made to that course; yet from that day to this she has never done so. She has, indeed, carried on various negotiations, and made various proposals of a different character, with numberless qualifications, and with exceptions such as she must have known the Allies could not by any possibility accede to.

This, my Lords, then, is the position in which Prussia stands at the present moment. Now the observations that I have made must be understood as applying solely to the Court and the Government of Prussia. I have reason to believe—indeed I have reason to know—that the national feeling of Prussia is not at all in accordance with that of the Court. I gather this, my Lords, from various sources which are open to us all. But this very day I have seen a copy of an address drawn up by the Committee of the Lower Chambers of Prussia, to which the subject of the army estimates was referred, which expresses in the strongest terms what I believe, and always have believed, to be the national feeling of that country on the matters to which I am alluding. A part of this document I shall take the liberty of reading to your Lordships. It is couched in strong language, and is in conformity with the view that I take of this subject. It runs thus:—

> "We cannot refrain from expressing the anxiety with which your Majesty's faithful people have followed, during the last ten months, the policy of the Royal Government in the great European question. It has seen with sorrow Prussia leave the community of the great Powers represented last year at the Vienna Conferences, and thereby renounce the most efficacious means of assisting by a firm attitude the speedy attainment of the object so ardently desired by the whole country—namely, a peace which shall offer durable guarantees against the renewal of the disturbance of established order in Europe, and in a manner conformable alike to the dignity, the interests, and the position of Prussia as a Power, and to the declarations made by the Government of your Majesty at the commencement of the year, concerning its future line of policy."

Such, my Lords, are the sentiments and opinions of the Prussian nation, as reflected by the Committee in this address, with regard to the conduct and the policy of their Government. I have one more fact to mention, which brings the matter to a close. Russia, in the first instance, rejected the proposal as to the "four points." She afterwards required a fuller statement and explanation of their meaning by the Allies. Such an explanation was accordingly returned to her, upon receipt of which she declared herself ready to accede to the proposal, and it was agreed that negotiations should be opened upon this basis at Vienna.

Prussia appears to have been taken by surprise in this consent on the part of Russia. She soon, however, recovered her self-possession; and claimed to be admitted as a party to the negotiations. Your Lordships will naturally ask, upon what ground? Principally, because she had been a party to the protocols. But how could this give her a right to what she claimed? True, she had subscribed the protocols, and, up to a certain point, had concurred in the acts of the other Powers; but then she afterwards abandoned and deserted them in all the subsequent stages of these transactions, as I have already detailed. She separated herself from the Allies, in the first instance, on the question of the answer to the demand for the evacuation of the Principalities: again, she refused to attend the meetings for the purpose of settling the basis of the negotiations; she publicly objected to the basis so settled; and continued to conduct active operations against the policy of Austria at the Diet. She refused to be a party to the treaty of the 2nd of December. The object of that treaty was, that if Russia would not propose or accept reasonable terms of peace, the Allies would pledge themselves to concert measures—coercive measures—to enforce such terms upon her. She not only refused to accede to that treaty, but has declined to enter into any corresponding separate treaty after having intimated her readiness to do so. On what pretence, then, since the pending negotiations have arisen out of the basis, as settled at the meeting of the 8th of August, which she declined to attend, and to which basis she publicly objected, and out of the treaty of the 2nd of December, to which she refused to accede, can she claim a right to be admitted as a party to these negotiations? There are other grounds still less tenable upon which she relies, but I refrain from adverting to them, because they are answered with such admirable effect in the despatch of M. Drouyn de Lhuys, and, I have no doubt, in the corresponding despatch of my noble Friend.

I earnestly hope and entreat, therefore, that the Allied Powers will adhere to the decision to which they have come, and not upon any pretence allow the Prussian diplomatists to become parties to these negotiations. I feel confident that if Prussia were admitted she would act in concert with Russia, as her ally, her instrument—nay, I might almost say, as her slave; and that she would contrive so to complicate the questions to be discussed as to render utterly hopeless the prospect of any satisfactory or beneficial result.

It is a singular circumstance in the history of nations—but not the less real—that their diplomatic character and their foreign policy have frequently a permanent form, surviving successive monarchs and successive administrations. The diplomatic character and the foreign policy of Russia may be traced back to the time of Peter, confirmed and strengthened by the Empress Catherine II. retaining the same form and the same character, and carried on upon the same principles down to the present day. In like manner, the diplomatic character and the foreign policy of Prussia may be traced back as far as Frederick, whom the flattery of the French philosophers, in exchange for patronage (capriciously accorded and withheld) gratified with the title of "Great." It must never be forgotten that he was the contriver, the instigator, and the active instrument of the partition of Poland—the most flagitious political transaction of modern times—prepared by intrigue, founded in falsehood, and executed with atrocious violence. In tracing the foreign policy of Prussia from the reign of that monarch down to the present time, it will be found ever to exhibit the same features of unblushing fraud and unscrupulous selfishness. But I will confine myself to instances in which we ourselves have been concerned.

As far back as the year 1794, it was considered to be of the utmost importance that we should be able to employ a large military force to act in the Low Countries against France. Application was made to Prussia. She complained of her poverty, of the emptiness of her treasury. The ancestor of the noble Earl who sits below me (the Earl of Malmesbury) conducted the negotiation. He stated in answer that England was ready to furnish the means upon one condition, and one condition only —that the army should act in the Low Countries upon such points as the English Government should point out. This was the very essence of the treaty. It was consented to by the Prussian Government, and the money was paid into the Prussian treasury. The troops were marched to the Rhine, and there they were detained for purposes peculiarly and solely Prussian. Notwithstanding the repeated remonstrances of the noble Earl to whom I have referred, addressed to the King personally, to the Prime Minister, and to the commander of the forces, they refused to allow the troops to stir from that position, and the object of the treaty was entirely defeated. The correspondence of the noble Earl, in which these transactions are detailed, will amply repay the trouble of the perusal. The noble Earl gives vent to the bitterness of his feelings on the conduct of Prussia in a short note addressed to the Duke of Portland, which, though published, I should scarcely venture, from the strong terms in which it is expressed, to read to your Lordships.

The next transaction to which I shall refer is the conduct of Prussia antecedently to the battle of Austerlitz. Nothing could be more degrading than the vacillation which she exhibited during this anxious period; entering at one moment into engagements with the Emperor Alexander, and at another into opposite engagements with Napoleon. In the correspondence between Napoleon and his brother, King Joseph, your Lordships will find this conduct of Prussia described in the most contemptuous terms.

At length she decided upon adopting a course of policy similar to that which she has attempted in the present instance. She put herself forward as mediator between the contending parties, and Count Haugwitz was sent to the French headquarters to negotiate in that character; but the victory of Austerlitz having taken place, the whole scene was changed. And what, then, was the conduct of Prussia? She immediately abandoned her character of mediator; entered into an alliance, offensive and defensive, with the French Emperor; and accepted as a bribe for so doing the cession of Hanover—a territory belonging to her friend and ally, England. I well remember the stream of indignant eloquence poured forth on that occasion by Mr. Fox, so characteristic of his generous and noble spirit. The utter selfishness and vacillation of Prussia at that period, professing one thing and doing another, playing the game of fast and loose, corresponds in principle—is in accordance with the conduct—which she has pursued throughout the whole of these negotiations. My Lords, I have no faith in the Prussian Government, and if my noble Friend should be tempted to enter into any engagement with that Power, I should be disposed to address him with words of caution, "*Hunc tu, Romane, caveto.*"

I have drawn the facts which I have presented to your Lordships in this statement from public documents in circulation in this country and on the continent of Europe. If there are others, of which I have no knowledge, in the possession of my noble Friend, the foreign secretary, which may have the effect of placing the conduct of Prussia in a less unfavourable light, I shall listen to them with the utmost attention and candour, and receive any explanation which my noble Friend may have to offer, with the respect which his position and his high character demand.

It is a great satisfaction to me that these negotiations are to be conducted by the noble Lord the late President of the Council, but who, since he left this country, has, if I may venture upon the allusion, started up, by a touch of the spear of Ithuriel, in his former shape of Secretary for the Colonies. It requires but little of a prophetic spirit to foresee that he is destined, at no distant period, to occupy a still more elevated and commanding position in Her Majesty's councils. These things fill me with wonder, and when I contrast the noble Lord's present situation and future brilliant prospects, with his modest, retired, and anxious appearance, a few weeks since, on the fourth row behind the Treasury bench, I almost insensibly murmur to myself a well known poetical description—

> "Parva metu primò, mox sese attollit in auras,
> Ingrediturque solo, et caput inter nubila condit."

I rely on the sagacity of the noble Lord, on his firmness, his vigour, his decision, and upon the strong language which he held not long since in the other House of Parliament, as a sure pledge that he will not consent to any terms of peace short of those which shall fully secure the great objects for which the war was undertaken. To accept anything short of this, "would," to quote the words of my noble Friend opposite, "only be to patch up a hollow truce, and lead to new wars and new sacrifices." We must have a peace corresponding with the more than once repeated description of my noble Friend—"solid, lasting, and every way honourable." Above all, I trust that our recent disasters will not induce the Government to recede one iota from our just demands. Rome was never more unyielding than in the season of adversity. I have the utmost confidence in the vigour, the energy, and unfailing resources of this great nation, and I feel satisfied that at no distant period they will place us in a position even higher than that from which we have declined in consequence of the mismanagement of the war under the direction and auspices of the late Government. There may be those who, envious of our prosperity, regard our reverses with complacency and even with satisfaction. Let us teach them to respect the fortitude with which we bear our disasters, and admire the vigour with which we repair them.

THE EARL OF CLARENDON: My Lords, though my noble and learned Friend said he could cause no embarrassment to the Government by the observations he would address to the House, I think that your Lordships will understand the difficulty under which I rise, not to answer the speech of my noble and learned Friend, but to speak on the subject which he has brought under your Lordships' consideration; and if I do not follow my noble and learned Friend through his lucid narrative of Prussia's shortcomings, I trust he will not attribute that to any want of respect to himself, or to any want of recognition of the importance of the subject, and still less to any intention on my part to become the apologist of the Prussian Government. I think, however, my noble and learned Friend will admit that between the position he occupies and the one I have the honour to fill some difference exists, and that less responsibility attaches to what falls from my noble and learned Friend than to the words which I may have occasion to utter. Not that I agree, on the other hand, with my noble and learned Friend, who seems to think that no responsibility attaches to what he says;

on the contrary, I think that there is not one of your Lordships, on whatever side of the House he may sit, who is entitled to consider himself irresponsible for the language he may hold, or the opinions he may express, particularly with respect to foreign countries. Since I have had the honour of holding the seals of the Foreign Office I have had various opportunities of observing what great importance is attached abroad to speeches made in both Houses of Parliament, and this always in proportion to the political eminence and personal character of the speaker, the weight his opinions have in his own country, and the respect which those opinions are considered to carry with them. Therefore, we must admit, that under these circumstances the speech of my noble and learned Friend will produce a great sensation in foreign countries throughout the Continent; and that more particularly the Prussian Court cannot fail to be, I will not say gratified, but struck by the industry, with which my noble and learned Friend has mastered, and the dexterity with which he has laid bare their proceedings of the last year. My noble and learned Friend has, at the conclusion of his speech, made an appeal to me in reference to any documents which I might have in mitigation of the opinions he has expressed. He may possibly think that I am allowing judgment to go by default when I say that I have no such documents to produce; and I do not believe that my noble and learned Friend has misstated—certainly, he would not do so intentionally—any matter he has brought before your Lordships. But I think I shall best discharge my duty on the present occasion with the due reserve imposed on me, if, instead of following my noble and learned Friend through the various matters he has treated on, I venture to supply certain deficiencies with respect to the communications which have taken place between Her Majesty's Government and the Court of Prussia; for, after all, that is the point to which your Lordships must attach more interest than to the precedents of Prussian policy. I shall endeavour to explain precisely to your Lordships the result of these communications. They are certainly far from satisfactory. Nevertheless, I do not despair of still establishing better relations with Prussia, for I cannot regard the Prussian alliance with the indifference which my noble and learned Friend seems to think it merits; and I should be happy if that alliance were established on the same footing as that on which it stood at the early part of last year, when Prussia joined with us in declaring that the war against Russia was politic and just, when she denounced quite as strongly as Austria the aggressive policy of Russia, and when she joined with Austria in summoning, in terms much more positive and energetic than my noble and learned Friend seems to be aware of, Russia to adopt a more moderate course. Whether Prussia calculated that this united appeal would be irresistible and its success complete I am unable to say, but the positive refusal of Russia to comply with it appeared to stagger the resolution of Prussia, which never since that time has shown any signs of recovery. When the answer of the Russian Cabinet was received at Vienna, Count Buol, in accordance with a previous promise, was prepared to communicate it to the English and French Governments. A conference was summoned to receive the communications, and the English and French representatives obeyed the summons; but the conference could not be held, because the representative of the Prussian Government would not attend. Various telegraphic messages and special missions followed in rapid succession, but there was no result, and at last the Austrian Government, tired of waiting, sent the answer to London and Paris. The English and French Governments lost no time in pronouncing on it in the most decisive manner. It is true that the Prussian Minister at this Court afterwards told me that the representative of Prussia would be allowed to attend the conference, but the answer I gave was the only one I could give, that "It was too late." That the English and French Governments had been invited to give, and had given their opinions some weeks before on the despatch of Count Nesselrode, that the assembling of the Conference for the purpose of making a communication on the same despatch would be simply ridiculous, and to such a course we did not intend to consent. The notes of August the 8th were then interchanged between the three Governments, and the assent of Prussia was invited to them, but declined. Then came the series of correspondence to which my noble and learned Friend has alluded, of great length and uncommon complexity, between the Courts of Austria and Prussia. That correspondence has been most justly characterised by him; but the Court of

Austria steadfastly adhered to the policy and engagements it had undertaken, while Prussia gradually diverged, and the result was German disunion, as my noble and learned Friend has stated, which served the cause of Russia. Communications in the meanwhile took place between England, France, and Austria, which led to the treaty of December 2nd. Before that treaty was signed, Prussia was asked to give her concurrence, but she declined. After it was signed her assent was again sought for, and again it was refused; but she afterwards informed the English and French Governments that her honour and dignity had not been consulted in that treaty, that there was in it a clause with which she had no concern, and another which was offensive to her dignity, and that she had generally great cause of complaint against Austria. She added, that, though prepared to enter into an analogous engagement, she demanded unconditionally to be admitted to the Conference, which was a continuation of the former Conference which had not expired, and from which it was an error to suppose she had withdrawn. Our answer was, that there was no error with respect to her withdrawing from the Conference, because on a former occasion the Conference had not taken place at all because she would not join in it, though entreated to remain, and that it was a mistake to suppose that the Conference about to be held was a continuation of the former Conference; for, so far was that from being the case, that when the Austrian Government invited the French and English Governments in October and November last to continue that Conference, our answer was, that the time for conferences and protocols had gone by, but that if Austria joined us in an engagement for war, we would undertake to see if peace were practicable by negotiation. This led to the treaty of the 2nd of December. But we further said to Prussia that, so anxious were we to obtain an analogous treaty with her, that if there was anything in the treaty to which she objected we would be ready to correct it; that if she had any complaint against Austria the treaty should be made with England and France; that we would give her the same explanations of our views, and sign with her the same protocols; and that, having placed herself in the same position as Austria with the Western Powers, she might then enter into the Conference in a position of independence. But to admit Prussia to claim all the privileges without incurring any of the risks of a great European Power—to admit her unconditionally to a Conference that might end in peace, but which might lead to war on a more extended sphere—without her telling us what were her intentions or her policy—without entering into any engagement with us, either immediate or prospective—without knowing whether she entered on the Conference as a neutral, as a foe, or as a friend—was utterly impossible. That is the footing on which matters stand now, and that is my answer to my noble and learned Friend as to Prussia being admitted unconditionally to the Conference. Subsequently special missions have been sent to this country and to France, and I need not tell your Lordships that the most friendly reception was given to the honourable and excellent gentleman who came to this country from Prussia. The same course was pursued in Paris; and I am certain that if the settlement of this question had been in the hands of these negotiators, or if they had been empowered to admit the proposals made to them, the treaty would have been by this time arranged. But, unfortunately, that was not the case. I do not consider, however, that the negotiations with Prussia are come to an end. Further arrangements may yet be proposed, and, indeed, fresh proposals were made only two or three days ago. But, in the meanwhile, these important negotiations—important, whatever be their issue—have commenced, while Prussia, by her own act, continues excluded. I know, my Lords, that great satisfaction has been expressed here and elsewhere at the position which Prussia now occupies, but we can have no such feeling. We can have no object or interest but to be on terms of friendly relation with Prussia, and to see her properly occupying the high position which she is entitled to hold. Her great territorial extent, the amount of her population, and her vast military organisation, entitle Prussia to be considered as one of the great Powers of Europe. For nearly a century she has taken part in all the great questions of Europe; she has aided in maintaining the equilibrium of power in Europe; and it has really been a melancholy spectacle to see Prussia abdicating the high position she has hitherto held, and endeavouring to reduce the greatest question of modern times—for it is a question, as my noble and learned Friend says, whether Europe shall be independent or shall succumb to the aggressive policy and sinister influence of Russia—endeavouring, I say, to reduce and restrict this great question within the narrowest limits of German exclusiveness. Remonstrances have not been wanting, but the uniform answer of Prussia is, that her policy is peace. My Lords, I do not doubt the sincerity of that answer. Perhaps there is no country in Europe where war should be more justly dreaded than in Prussia. It is one of the great advantages of our insular position that we have never realised among ourselves the horrors of war; but there is no country in Europe that has more reason to remember and dread the recurrence of these calamities than Prussia. That feeling must not, however, be carried too far, for a mere policy of sentiment will never fulfil the obligations incumbent on a great European Power, or maintain the honour and independence of a nation. Prussia has always said that peace was her policy. I have already said that I do not doubt her sincerity; but, my Lords, France and England are equally sincere in their desire for peace, and Prussia knows they will not continue this war one single day longer than is necessary to secure a safe and honourable peace. But the best way of arriving at such a peace is to prosecute the war vigorously, whereas the course pursued by Prussia can have no other tendency than to enlarge the theatre and protract the duration of the war. I am not questioning the right of Prussia to pursue any policy she may think best for her own interest, but I may express my own inability to understand the drift of that policy, for it appears to me to be neither European, nor German, nor Prussian—a policy neither of war, of peace, nor of neutrality. It seems to me more calculated to thwart Austria than to keep Russia in check. But, however eccentric her course may be, Prussia is still a great European Power, and cannot long remain insulated when great European interests are involved: she cannot side with Russia. She cannot trample on the feelings of her own people, or run counter to the views held with so much unanimity by 20,000,000 of Germans, with respect to their powerful neighbour. She cannot side with Russia against Austria, because she knows well that at the close of such an unnatural and fratricidal war she would be at the mercy of Russia, and become a dependency of that Power. On the other hand, she will not side with Austria; on the contrary, she has herself assumed, and has induced other Powers to assume, an unfriendly attitude towards Austria; and the general result hitherto of Prussian policy has, I fear, been to frustrate the union, and to prevent the vigorous tone and the uniform language on the part of Germany, which would have gone far to secure for us that peace which we are so anxious to obtain, and would have secured for Germany those guarantees of which she stands so much in need. I say, then, that Prussia is in an insulated, and therefore in a false and powerless position. This may be satisfactory to her enemies, but it is deeply regretted by her Allies, and must be felt, keenly felt, by the enlightened, the brave, and the patriotic people of Prussia. It is from this position, from which neither honour nor dignity can be derived, that the Governments of France and England are most anxious she should be relieved; and it is to this object all our efforts have hitherto tended. I assure your Lordships that no exertion shall be spared to secure the co-operation of Prussia, and that these will always be made in a friendly spirit, and with every regard to the honour and dignity of a great and independent Power.

House adjourned till *To-morrow.*

HOUSE OF COMMONS,

Tuesday, March 20, 1855.

MINUTES.] NEW WRIT.—For Liverpool, *v.* The Hon. Henry Thomas Liddell, now Baron Ravensworth, called up to the House of Peers.

PUBLIC BILLS.—1° Criminal Justice; Newspaper Stamp Duties.

HARTLEPOOL PIER AND PORT BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. HEADLAM said, he should oppose the Motion, for the following reason. It was proposed to raise the sum of 800,000*l.* for the purpose of improving the harbour and converting it into a harbour of refuge. In order to pay the interest of this sum three several sources of taxation were originally proposed, namely, duties were to be levied upon ships availing themselves of the advantages afforded by the harbour, upon goods exported from the port, and a rate was to be made upon the owners of property in the town; but, in consequence of the opposition which had been raised, the two latter sources of taxation had been abandoned. He did not think the amount which would be received from vessels using the harbour would anything like pay the interest of the debt to be incurred, and the ordinary annual outlay; and, even if it did, it would be inflicting a gross injustice upon the individuals engaged in the shipping trade in that port. He should therefore move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. FARRER said, he should support the second reading of the Bill. He thought the measure was justified by the rapidly increasing prosperity of the town and port. Eight years ago the revenue enjoyed by the two great dock companies in Hartlepool was 65,000*l.*, which had now increased to 200,000*l.* There was no intention by this measure to levy a passing toll, the only object being to extend the trade and afford conveniences for sheltering distressed vessels on that coast; neither was toll leviable till 250,000*l.* had been expended, and no shipowner, he thought, would object to pay a reasonable toll when he found that the cost of insurance was materially lessened, as it would be by reason of the increased safety of the port. The harbour had been inspected under the direction of the Admiralty by a competent engineer, and the report, he believed, was very favourable as to its capability as a harbour of refuge if the proposed improvements were carried into effect. He therefore trusted the House would not throw out the measure, which was, he conceived, one of great public importance.

Mr. INGHAM said, he should oppose the Bill, not seeing how the interest and the sinking fund for the repayment of the capital and the working expenses were to be raised. That amount would not be much short of 60,000*l.* a year. He believed, practically, the whole cost would fall upon some half-dozen coal proprietors in the immediate neighbourhood, and it was most unjust to saddle them with the expense of making this a harbour of refuge, which, if it were required as a national undertaking, ought to be made at the cost of the nation.

Mr. BOUVERIE said, he thought a Private Bill, unless it contained some general public principle, should not be rejected on the second reading, but should be investigated in Committee. The facts regarding Hartlepool were very striking, and the trade of the place had increased in a most extraordinary way. In 1835 it was a mere fishing town; docks had been made, and last year no less than 10,177 vessels entered the two docks of that port; and he found that the trade, foreign and colonial trade alone, without including the vast coasting trade in coal, was so great, that, as regards the export trade in foreign ships, Hartlepool was now the sixth port in the United Kingdom; and as regards the export trade in British ships, it was the tenth in importance. Now, it was proposed to make a great harbour by enclosing the bay. To effect this object, the Commissioners would lay a tax on the ships entering the port; they had power to do so, to a certain extent, by an Act of Parliament passed three years ago, and this Bill would only be an extension of that power.

Mr. LINDSAY said, he should oppose the Bill. No parties had a right to come to Parliament and ask permission to raise the enormous sum of 800,000*l.* without being able to show by what means they would raise it. He understood that the tax proposed to be laid would raise 15,000*l.* a year, if it were levied on all the shipping in the port. But how could any body of men, upon an annual revenue of 15,000*l.*, be enabled to borrow 800,000*l.*? The result would be that, after having got 250,000*l.*, or at most 300,000*l.*, and having expended that, the Commissioners would be obliged to come to Parliament again, and say, "We have expended upon the security of our own tolls 250,000*l.*, the whole of which will be totally lost, unless you give us fresh powers." What would those powers be? They must be allowed to levy a passing toll; or else it would be demanded that a certain sum of money out of the public funds should be granted to complete this work, on the plea that a harbour of refuge would be very advantageous to all the shipping that frequented the north of England. Now he had great suspicion of such plans, for there had been too many jobs of that kind. He had not had any representations from his constituents respecting this Bill, but he opposed it because it related to those shipping interests to which he had devoted his exclusive attention, and on which he was accustomed to speak in the House.

MR. J. FORSTER said, he hoped the House would not assent to any such proposal as this, by which persons who did not derive any benefit from the scheme were to pay the expenses.

SIR JAMES GRAHAM said, that viewing this matter on public grounds only, he thought the Bill ought to be read a second time. He was quite sure it would provide an admirable harbour of refuge, where one was most wanted, and a great public desideratum. Judging from the opinion of Mr. Rendell, the engineer, who had investigated the site, he had confidence in the utility of this work; and the only question was, with respect to the funds by which it was to be executed. A passing toll was not asked for, and there were strong checks on the operations of the Bill. The Board of Trade had reported on the matter, and the report of Mr. Rendell had just been presented to the Admiralty. The outlay of 800,000*l.* was indeed large, but the rapid growth of the trade of this harbour justified the parties applying for this Bill, who had no personal interest in the speculation.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed*, and referred to the Committee of Selection.

OUR RELATIONS WITH AUSTRIA—QUESTION.

LORD WILLIAM GRAHAM said, he begged to ask the First Lord of the Treasury whether the Austrian Ambassador had called upon Lord Clarendon for any explanation of the words stated to have been used by a Member of the Administration, that "no settlement of the Eastern question would be satisfactory unless Hungary and Poland were restored?"

VISCOUNT PALMERSTON: Sir, in regard to that Member of the Administration to whom the noble Lord refers, I shall merely say that it has caused me great satisfaction that that hon. Friend of mine has accepted service under the Crown, and that I have the most confident expectations that his great natural abilities and the remarkable energy of his character will render him an ornament to Her Majesty's service, and will enable him to do honour to the memory of his illustrious father. The question of the noble Lord, however, refers to the policy of Her Majesty's Government, and upon that I am prepared to give him the fullest information. The Austrian Government know, and have all along known, that the Government of Great Britain would consider it a great misfortune to Europe if Hungary were separated from the Austrian empire; because I consider the Austrian empire, as an aggregate body in the centre of Europe, to be an essential element in the balance of power of Europe. The Austrian Government, therefore, have no doubt as to what are the policy and views of Her Majesty's Government in regard to Hungary. With respect to Poland, I have no hesitation in stating my own opinion that the kingdom of Poland, as at present constituted, and as at present occupied, is a standing menace to Germany. It is for the Powers of Germany to determine how far they may think that constitution of Poland is or is not dangerous to them, and whether, under circumstances which may lead them into war with Russia, they will think it for their interests to endeavour to change that position of affairs. But, undoubtedly, no stipulations in regard to a new arrangement of Poland form a part of those points upon which Her Majesty's Government are now, in concert with the Government of France, negotiating at Vienna. Those negotiations are carried on upon the basis of the Four Points, which have been frequently published and are well known to everybody; but the two Powers have reserved to themselves the right, according to circumstances, and according to the events of the war, if hostilities, either owing to a prolongation or a rupture of negotiations, should continue—they have, I say, reserved to themselves the right of adding in future to these Four Points any other stipulations which they may think essential for the future security of Europe. At present, however, the negotiations are going on upon these Four Points, and that is the policy of the Government with respect to this subject.

LORD WILLIAM GRAHAM said, the noble Lord had not answered the question put to him.

VISCOUNT PALMERSTON; I have stated that the Austrian Ambassador and Government are perfectly cognizant of what is the policy and what are the intentions of Her Majesty's Government, and there has never been any secrecy on our part, or any doubt entertained on the part of the Government of Austria upon that subject.

THE HOP DUTY—QUESTION.

MR. FREWEN said, he wished to ask the right hon. Gentleman the Chancellor of the Exchequer, if it was his intention to introduce any measure during the present Session to alter either the excise duty on British hops or Customs duty on foreign hops; and also, if he would be good enough to explain the object that the deputation from West Kent had, that waited on the right hon. Baronet last Thursday, on the subject of the hop duty? He observed, that, some accounts had appeared of a deputation to the Chancellor of the Exchequer as to the hop duties, at which it had been stated by some one, that the growers were indifferent to the repeal of the duties. Now, he knew the reverse to be the fact; and a year or two ago large meetings had been held to promote their repeal. He, therefore, begged to ask whether the Government contemplated such a measure, seeing that it was calculated to be a far more important benefit to the country than the repeal of the newspaper stamp duty, which certainly did not seem to be at all desired by the principal parties concerned; and which would entail a loss to the revenue of from 200,000*l.* to 300,000*l.* a year, whereas the repeal of the hop duty would only involve a loss of not much more than 100,000*l.*; and it was much more vexatious in its nature than it was oppressive in amount.

THE CHANCELLOR OF THE EXCHEQUER said, the Government had no present intention of making any alteration in the excise duty on hops. In respect to the customs duty, it would be 1*l.* per cwt. until August 1, when, unless intermediate legislation took place, it would be 2*l.* 5*s.* per cwt. He could not state that circumstances might not arise which, in a fiscal point of view, might make it desirable to prolong the lower rate of duty.

COLONY OF NEWFOUNDLAND—QUESTION.

On the Motion for the Adjournment of the House to Thursday,

MR. ROEBUCK said, he rose pursuant to notice, to ask the First Lord of the Treasury what was the intended policy of the administration with respect to the Colony of Newfoundland and the complaints made by the House of Assembly of that Colony, and set forth in a petition from that Assembly to the Home Government? He should put the question to the noble Lord in preference to the Secretary of the Home Department, as he considered the noble Lord responsible. The noble Lord who was nominally at the head of the Colonial Office was now on a mission at Vienna, and at that moment they had not in that House anybody representing the Colonial Office, neither a Colonial Minister nor an Under Secretary for the Colonies. If the Colonial Office were kept open for any person who had in his former career shown any peculiar fitness for colonial administration he should have felt more confidence in the present administration of colonial affairs; but seeing that the noble Lord who was now at the head of the Colonial Department was flourishing away at Vienna as Ambassador, and seeing that when the noble Lord some time ago was at the head of the Colonial Office, the largest Colony we had was driven into rebellion, he thought it was not very advantageous to the country to keep open the Office for the noble Lord. Some years ago he (Mr. Roebuck) proposed to that House to concede to Canada certain demands which the people of that Colony made respecting their own government. When he made that proposition, it was received unfavourably by the then Government and unfavourably by the House; but subsequent events proved that the proposition he then made was what prudence demanded, and since that period all those demands had been conceded. Among them was that which had been denominated responsible Government — that was the power on the part of the colonists themselves to conduct their own Government; and one of the questions that he wished to put to the noble Lord was, whether that responsible Government which had been conceded to Canada was about to be conceded, according to promise, to Newfoundland? The next question was, whether or not the complaints made by the people against the present Governor were about to be listened to. He would not enter into the complaints, he would bring no charge against the Governor, except this, that he had made himself unpopular to the colonists, inasmuch as when the Duke of Newcastle had promised to the Colony a responsible Government he had expressed opinions unfavourable to the adoption of that course. In fact, so unpopular had he made himself, that in the course of the two years during which he held office no fewer than three delegations had been sent to this country to complain of his conduct. He would wish to submit to the noble Lord that the fact of the Governor of a colony opposing the wishes of the Home Government to concede to the colonies a system of responsible Government might unfit him for a continuance in office. He asked the noble Lord, in the second place, if it were the intention of the Government to remove the Governor, not entirely from the government of any colony, but to make an exchange from the Colony of Newfoundland to the Colony of New Brunswick, in which responsible Government had been introduced, and in which, therefore, the same difficulties would not arise. There was one reason which seemed to give great force to the representations of the Colonists. It was well known to the House that we had entered into a treaty with the United States with regard to the trade between the North American Colonies, and the United States; but the introduction of the provisions of that treaty depended on the Colonial Legislature. In Newfoundland there was at present a party who had an interest in monopoly, but the people of the Colony desired free trade. For the purpose of free trade they must have a local Government in accordance with the wishes of the people. The Governor had declared himself in opposition to their wishes. He (Mr. Roebuck), therefore, asked the noble Lord, with regard to the people of Newfoundland, not to go through the long agony that he went through with regard to the people of Canada. He hoped Her Majesty's Government would be wise in time; that they would not continue the dispute that had now existed between the people and their Governor of Newfoundland for years to come, and so at last, after twenty years' fighting between the people and the administration, the people should at length obtain that which they desired.

VISCOUNT PALMERSTON said, he willingly accepted the responsibility which his hon. and learned Friend said he ought to bear with respect to the Colonial Department, but he could not admit the reflection which his hon. and learned Friend had cast on the policy of his noble Friend (Lord J. Russell) who was not amusing himself at Vienna, nor neglecting any duty at home, but was performing abroad duties of the most important character, and which he had undertaken previous to his having accepted the seals of the Colonial Department. It was not likely, however, that he would long continue absent. With respect to the question put, it was the firm intention of Her Majesty's Government to keep faith in all respects with the people of Newfoundland in reference to the system of responsible government which had been promised them. Steps had been taken to carry that promise into execution. There was to be a reconstruction of the popular assembly—an enlargement of the numbers of that body. There was, it was true, a difference of opinion on the part of the people and the Governor as to the time when this reconstruction should take place, but the Governor was correct in law in the decision which he took to have the elections in the spring and not in the winter, for as regarded the objection that some of the voters would necessarily be absent in the spring, the same might be said of others in the winter, because many could not attend for physical causes. With respect to the Legislative Council to be constituted, an intimation had been given by the Governor that he postponed the nominations to the Council till after the elections, in order that the two assemblies should be in harmony. He did not think that the hon. and learned Gentleman was rightly informed as to the feelings and opinions of the Governor on the question of free trade, for he believed that the Governor had not the slightest indisposition to carry out the principles of free trade, but, on the contrary, was disposed to carry those principles out to their full extent. With regard to the last question, he felt convinced that the House would not expect him to state the intentions of the Government as to the removal, continuation in office, or exchange of Colonial Governors; all that he could say was, that it was the intention of the Government that the colony should enjoy all the advantages of that system of responsible government which had been promised to them by the Duke of Newcastle.

MR. BRIGHT said, the House would observe that there was a difference of opinion between the statement of his hon. and learned Friend (Mr. Roebuck) and that of the noble Lord the First Minister of the Crown. There was a gentleman in this country as a delegate from no less than two-thirds of the Assembly of Newfoundland, with regard to the conduct of the Governor; and the House, he thought, might take it that the statement of his hon. and learned Friend with regard to the Governor was true. The Governor (Mr. Baillie Hamilton) had been in office only two years, and during that time three deputations had visited this country to seek redress against his conduct. He (Mr. Bright) was not about to find fault with the noble Lord the Member for London, in that he did not happen to be present to perform the duties of his office. He agreed with the noble Lord at the head of the Government, that the good he might do at Vienna would more than balance any harm he might do by his temporary absence from this country. But he was one of those who thought that gentlemen who came from the colonies to the Colonial Office ought to be treated in a different way. They had had within a few months at the head of that office the Duke of Newcastle, Mr. Sidney Herbert, Sir George Grey, and now Lord John Russell, so that when delegates came from the colonies there were so many changes in the Colonial Department that they did not know where to go to, or to whom to apply. In his opinion, the people of a colony, who found that representations made to the Home Government were, by such a state of things, rendered of little or no use, had good cause to wish to get rid of the Home Government altogether. Generally, the Governor of a colony was chosen in a peculiar manner. Often his best qualification was that he had a bad banking account, but had at the same time some claim upon a political party. The Government frequently found it extremely difficult to appoint a good man to a colonial governorship, and there was no reason why the Legislature of Newfoundland should not be allowed to appoint their own Governor. They would be enabled to appoint a better Governor than they had at present, at one-third of the salary, and he, therefore, recommended the Government to take into consideration the propriety of allowing, he would not say all, but many of the colonies to appoint their own Governors. He agreed in all that had been said by his hon. and learned Friend the Member for Sheffield, and he thought it was the duty of the Government to remove from office the Governor of Newfoundland, who appeared to some extent to possess a disposition that prevented him from working harmoniously with the Legislature over which he presided.

Mr. LOWE said, he hoped the turn which the debate had taken would justify him in saying a few words upon a subject of the most pressing importance, to which he begged to call the attention of the right hon. Gentleman the Secretary of

State for the Home Department. On the 31st of May in last year there arrived in this country the draught of a constitution for the great colony of Victoria. Since that time events had taken place there of the greatest importance and of the most lamentable character. In fact, something very like civil war had arisen in the colony, owing to serious differences between the golddiggers and the Government. It was found expedient to send a large body of troops to the diggings at Ballarat. The diggers had entrenched themselves in a stockade. The troops had attacked them in regular martial array. Volleys of musketry had been exchanged for ten minutes between the diggers and the troops, the result of which was that several of the troops, including one officer, were killed, and at least thirty of the diggers were left dead upon the spot, and many others had since died of their wounds. This lamentable occurrence happened recently, and he wished to ask the right hon. Gentleman if they were to have a repetition of it, or were they to take measures for putting an end to a state of affairs which might lead to its repetition? The remedy must be applied by the Government immediately, without waiting for the termination of the Vienna Conference. The only measure that could prevent it was immediately to pass a Bill settling a constitution for the colony, and to send it out forthwith. The Government of the colony had fallen into contempt. The population at large sympathised with the diggers and held meetings to express their sympathy. In consequence of this state of things the secretary and other functionaries of the Government had withdrawn, and the colony was now almost at the mercy of the people. The only remedy that could be applied to this state of things, the only course which could prevent a recurrence of such struggles, and preserve the Queen's Government from being brought into contempt—was immediately to pass a measure to establish a new constitution for the colony, and to send it out without delay. He, therefore, desired to ask whether the right hon. Gentleman would take into consideration the propriety of giving such a measure precedence over the other Bills for establishing Australian constitutions, in consideration of the greatness of the emergency and the danger that threatened the union of the mother country with the colony in question, and consequently with all our Australian colonies?

Sir GEORGE GREY said, he could

not give a pledge to the House that the Bill referred to by the right hon. Gentleman would be considered separately. There were certain leading principles which it was desirable to consider in the first instance, but he hoped that no great time would elapse before the attention of the House would be called to all the measures about to be adopted in regard to the constitution of the colonies. When the Bill alluded to by the hon. Gentleman was brought to this country it was accompanied by a measure relating to the extension of the elective franchise, which the Governor hoped would be taken into consideration immediately and returned to the colony. A partial consideration had already been given to the subject to which the hon. Gentleman had called attention, but by law it was necessary that the Act in question should remain before the House for thirty days before effect could be given to it by Parliament. With regard to the disturbances which had recently taken place in the colony of Victoria, no doubt they had been of a very serious character, but they had only been of short duration. They arose in part from the refusal of many of the diggers, chiefly foreigners, to pay the license fees, and when the outbreak occurred prompt measures were taken to quell it. He regretted, however, to state that the disturbances were not put down without loss of life. He had every reason to believe that the colony was at present in a more satisfactory state.

MR. ADDERLEY said, that these disturbances arose altogether from the want of good faith on the part of the Government in not giving a constitution at once. Within a few months from the present time the colony of Newfoundland had been assured in a despatch from the Duke of Newcastle that responsible government would be granted to them to the fullest possible extent. Although, however, there was not one of our North American colonies more interested than Newfoundland in the alliance which had recently been concluded between England and France, according to the latest accounts the Governor of that colony had never acquainted the House of Assembly with the message of Lord Clarendon communicating the fact that such an alliance had been established; and, although the Assembly had agreed upon a Loyal Address to Her Majesty, he believed it had never been transmitted to the Home Government. He thought, if the Government of this country were supporting the Governor of Newfoundland in a struggle with the colonists, they ought at least to provide for the payment of the Governor, but he found that the colony of Newfoundland was required to pay the Governor a sum equal to ten times the salary which was paid to the Governor of the State of Maine. He considered it most important that the Government of this country should do all in their power to promote the prosperity and to insure the loyalty and attachment of the North American colonies, and, although Newfoundland formed a comparatively small portion of those colonies, he thought it most essential to the safety to the British empire that the inhabitants of Newfoundland should not have any cause for such remonstrances as they had addressed to the Home Government.

SIR JOHN PAKINGTON said, he was glad to hear the noble Lord's statement characterised by so much fairness to the Governor of Newfoundland, who had been made the subject of very harsh accusations by other speakers. He had no personal or private feeling with regard to Governor Hamilton; for though in the year 1852 he had recommended him to Her Majesty for the office, he had done so solely on account of the ability and success with which he had conducted a small government in the West Indies. The hon. and learned Member for Sheffield (Mr. Roebuck) had charged him with misconduct and unpopularity, and the hon. Member for Manchester (Mr. Bright) had referred to several deputations which had come to this country to complain of him. But nobody that had studied the history of Newfoundland for the last twenty-five years would be surprised at the unpopularity of the Governor; for the colony had unhappily been torn with parties, whose strife had been aggravated by religious dissensions. One of the charges against Governor Hamilton was, that he had opposed the introduction of responsible government. But he had only followed the course which all other Governors before him had previously taken. Sir Gaspard le Marchant, one of the ablest Colonial Governors this country had ever possessed, had done precisely the same; and Lord Grey had also refused the colony a responsible government. The Duke of Newcastle had, however, conceded it; and he (Sir J. Pakington) most sincerely hoped that it would succeed; but he must confess he had considerable doubts of it. When a colony took so strong a course as to request the Imperial Government to recall their Governor, they ought to be able to allege some very powerful reasons for it; but he must declare that he thought those which had been adduced on the present occasion were wholly insufficient. The noble Lord (Viscount Palmerston) had disposed of the charge against Governor Hamilton of having delayed the appointment of the Legislative Council; and he (Sir J. Pakington) believed that to have appointed it earlier would have been a breach both of law and of justice. He hoped, therefore, that the public character of the Governor would not suffer on account of the unfounded charges which had been been brought against him.

MR. JOHN MACGREGOR said, he must express a hope that Her Majesty's Government would give instructions to the governor of Newfoundland to afford the French fishermen on the banks of that island all the facilities that were extended to the subjects of the United States of America.

Mr. F. SCULLY said, he thought great mistakes had been made with respect to the government of Newfoundland. The colonists had made frequent complaints upon the subject, and they had repeatedly sent over delegates to this country to demand an alteration in the constitution of the colony. It was, in his opinion, a very strong case which would justify the recall of a Governor, but in this instance he thought a strong case had been made out. In February last year the Duke of Newcastle sent a despatch, desiring the governor to call the Assembly together to pass the Constitution Bills, in order that they might be considered by Parliament; in the month of June they were passed by the House, but, being resisted by the Governor, were eventually thrown over, and the consequence was, that the House refused the Vote of Supply, which caused great inconvenience in the colony and much disarrangement of money affairs. Subsequently a despatch was sent out by the right hon. Baronet now at the head of the Home Office, after seeing delegates from the colony, directing the Governor to call the Assembly together again. He did so, and in November the Bill was passed; but, without any just ground, the Governor, before it had gone through the necessary stages, dissolved the Legislature, and, instead of proceeding at once to an election, when the voters, who were mostly fishermen, were disengaged, he postponed it to a period when they could not avail themselves of their privileges, thus inflicting great injustice upon them. He mentioned these facts as instances of misgovernment with regard to this colony, and he could not avoid expressing his regret that the Duke of Newcastle, who deserved great credit for his vigorous administration of the Colonial Department, had ever left it. He wished to point out the injustice done to the colony by so long withholding from it a responsible Government, which had for some years been granted even to the little dependency of Prince Edward Island, and he must complain that the consequences of deferring a constitution in Newfoundland had been most disastrous; that its revenue was rapidly declining, while its poor rates had during the last ten years increased from 1,000*l.* per annum to 12,000*l.* Another grievance was, that while the majority of the population were of the Roman Catholic faith, the offices were principally distributed among Protestants, for, while fifty-four officers of the Roman Catholic faith were placed in situations the aggregate remuneration of which amounted to 4000*l.* a year, 121 Protestants filled offices bringing to them 18,000*l.* annually. At the same time there was no religious acerbity in the colony, for in many instances Protestant constituencies returned Roman Catholic representatives, while Roman Catholic districts returned Protestants. He would conclude by expressing his belief that a continuance of such mismanagement would tend to alienate the feelings and affections of persons who had hitherto been most distinguished for their loyalty and devotion to the Crown and country.

Motion for the adjournment of the House till *Thursday* was then *agreed to.*

ROYAL MILITARY COLLEGE (SANDHURST).

COLONEL NORTH said, he would now beg to move that the House should resolve itself into a Committee to consider of an humble Address to Her Majesty with reference to the future management of the Royal Military College at Sandhurst—1st. That ten orphans, sons of officers of our army, navy, and marines, shall receive their education, board, and clothing free from expense to their friends. 2nd. That the number of cadets at Sandhurst, who are now admissible into the first class, be increased to fifty. 3rd. That departments in the civil branches of the public service shall be open to those cadets who may entitle themselves to them by their good conduct, and by having passed those examinations which may be required of them; those cadets who prefer the military service to receive commissions as at present upon passing the necessary examinations; and to assure her Majesty that this House will make good the expense of the same. If he had not considered his proposition to deeply affect the interest of the orphans of officers, he should not again have brought forward a Motion which had previously fallen to the ground, owing to an informality in the mode of proceeding. The establishment of the college was due to the zeal, talent, and untiring perseverance of the late General Le Marchant, who fell at the head of the heavy cavalry brigade at Salamanca in the year 1812; and its scheme had been approved by the late Duke of York. The first warrant establishing the college was dated the 27th May, 1808, and divided those who were to share in its benefits into three classes:—First, the sons of subaltern officers; secondly, the sons of officers; and thirdly, the sons of noblemen and gentleman, who were admitted as a matter of favour. But the intentions of its founders had been perverted, and the change which had taken place in the regulations practically shut the door against the entrance of any orphans of officers who had not held high rank in the army. Youths were now called on to pay 40*l.* a year; and as the means of the widows of such officers were unequal to such an outlay and accompanying expenses, the benefits of the college were denied to deserving persons. His object, then, was to restore the conditions and regulations of the college to their original form and scope, namely, that a certain number of young men should be educated thereat at the expense of the country.

ADMIRAL WALCOTT: I have much satisfaction in seconding the Motion now before the House; I consider it one founded on the strictest principles of justice and national gratitude and such as at this time is specially demanded. According to the present constitution of the sister services, only the more fortunate, the few who have resources of their own, can look to have their families independent of want. In the army especially, an officer in the purchase of a commission buys a poor annuity on his capital, he receives the interest on the money thus invested, his services to his country are in fact gratuitous. After his death the Government virtually confiscates his income, it appropriates his commission but does not reimburse his survivors. In the navy, promotion is seldom the reward of merit and actual service; too often it is the consequence of family connexion, influence and patronage. At this moment the College at Sandhurst is self-supporting; the country, to some extent, greatly to its discredit, suffers the maintenance of a national establishment at the expense of the widow and orphan. It may be said that the children of officers who have died in adverse circumstances are received at a small cost—what is that sum? 40*l.*—Let me remind hon. Members that pensions to widows of captains and subalterns are slightly beyond that sum, and to field officers under 90*l.* When the Duke of York presided over the foundation of Sandhurst, such boys were received free in board, clothes and education. Now the House is asked to sanction the admission of only ten orphans, the sons of officers in the army, navy and marines, gratuitously. With the recollection of the services rendered of late and acknowledged by this House, I cannot believe such an application will be refused, rather I should hope, will be deemed too insignificant, too unworthy. How would you animate the officer if you would assure him that a grateful country will be a parent to his child if he falls in her cause! The private soldier, the seaman and marine, knows that his boy shall be received at Greenwich or Chelsea and enabled to earn his livelihood; the poor subaltern, sinking down to die on the couch or battle-field, knows that now the agony of bereavement will be enhanced by lessened means in his humble home; that after all his sacrifices, his anxious thought by day and night, bereaved of their protector, he leaves his widow and children to the mercy of a hard world. Reverse this conviction, and show by your vote that England through you accepts his legacy, and whilst the Sovereign gives medals and honours to the survivors, the House never forgets those who have perilled and lost life in their country's cause.

Motion made, and Question proposed,

"That this House will, upon Thursday next, resolve itself into a Committee to consider of an humble Address to Her Majesty, praying that She will be graciously pleased to give directions,

"1. That ten Orphans, Sons of Officers of our Army, Navy, and Marines, shall receive their education, board, and clothing free from expense to their friends;

"2. That the number of Cadets at Sandhurst, who are now admissible into the first class, be increased to fifty;

"3. That Departments in the Civil Branches of the Public Service shall be open to those Cadets who may entitle themselves to them by their good conduct, and by having passed those examinations which may be required of them; those Cadets who prefer the Military Service to receive Commissions as at present upon passing the necessary examinations; and to assure Her Majesty that this House will make good the same."

Mr. FREDERICK PEEL said, if the only question involved in the Resolutions of the hon. and gallant Member was whether or not such an appropriation might be made of the income of the Military College at Sandhurst as would secure for the orphan children of the officers of the army the means of receiving a gratuitous education there, he did not think there would be any difference of opinion on either side of the House with regard to the Motion. The present arrangements of the college did enable the sons of officers in the army to receive an education at Sandhurst at a very reduced cost, and he was sure it would be satisfactory if the advantages of this college could be extended and the objects of the hon. and gallant Gentleman accomplished. It appeared to him, however, that before the House agreed to Resolutions which would involve a grant of money, it should be clearly ascertained whether or no the object could not be attained by some other means. They ought, for example, to inquire whether the income of the college might not be so appropriated as to secure the object of the hon. and gallant Member without calling upon the public for any assistance of this sort. At present the college was self-supporting. The first class of students there comprised twenty-five cadets, who each paid 40*l.* a year, in return for which they were provided with an excellent education, boarded, and clothed; and, such was the anxiety to obtain admission into this class that, although the number of vacancies was not more than seven or eight annually, there were at this moment at least fifty applications for admission. The boys admitted into that class were children of captains and subalterns in the army. Then there was a second class, containing fifty cadets, who paid sums varying from 50*l.* to 80*l.* a year, the young men who were admitted into that class being the sons of field and general officers; and next came a third class, comprising 105 students, the sons of private gentlemen, who each paid 125*l.* a year. The income derived by the college from the contributions paid by the sons of private gentlemen was sufficient to enable it to educate the cadets in the first and second classes, the cost of whose education was not covered by their own contributions. The proposal of the hon. and gallant Gentleman was to increase the number of the first class, paying 40*l.* a year, from twenty-five to fifty, and that there should be a class of orphan children who were to receive an entirely gratuitous education. This it was proposed to accomplish by calling upon Parliament to make good whatever deficiency might arise. But he wished to know, in the first instance, whether the income of the college could not be applied to the same purpose. Now, the income of the college averaged about 18,000*l.* or 19,000*l.* a year, and, with the exception of some 70*l.* derived from the rent of land, this sum was entirely drawn from the contributions of the different students. Some years ago the income of the college did not more than cover its expenditure, because, at that time, it was called upon to undertake the expense of repairing the buildings. Latterly, however, that charge had been thrown upon the Board of Works, and there was now an average surplus of income over expenditure to the amount of about 1,200*l.* a year, which was at present paid into the public Exchequer, and was carried to the credit of the country. Now, it would be a fair proposal to consider what scheme could be adopted by means of which this sum should be applied to the gratuitous education of officers' sons, or to the reception of a larger number of that class of students who paid a reduced contribution. When the Vote with respect to this college was before the Committee, objections had been taken to the expensive establishment maintained at Sandhurst. It certainly appeared that those expenses were considerable; and, although it would be impossible to touch the interests of existing incumbents, it would be a very fair engagement on the part of the Government to promise, when any vacancies occurred, that the propriety or not of filling up those vacancies for the future should be considered. But supposing they were to adopt the plan of these Resolutions, he doubted whether any collegiate institution ought to be made dependent on the liberality of Parliament, unless there was some assurance that Parliament would be likely to vote year by year the money which would be required to maintain it, because without some such assurance the usefulness of such an institution might be increased by a grant of public money this year, and next year the vote might be withdrawn. He would remind the House that not many years ago this college was supported by a Parliamentary grant. Twenty-five years since the House of Commons used annually to vote for its maintenance a sum of between 8,000*l.* and 10,000*l.*, which was systematically opposed by the late Mr. Hume, and was at last withdrawn and the college thrown upon its own resources, the consequence being that it was necessary to discontinue gratuitous education there. Seeing, therefore, that Parliament had taken this course, he could feel no confidence that at some future time they would not do the same if a public grant were now allowed. He would also express a doubt, looking at the terms of the hon. and gallant Gentleman's Motion, whether the public could fairly be called upon to provide free instruction for the sons of officers. The hon. and gallant Member did not confine his proposed gratuitous education to the orphans of officers killed in action; it was made applicable to the sons of officers generally. Now, in his opinion the sons of civil servants had as great a claim to be educated at the public expense. He thought that the object of the hon. and gallant Gentleman could be effected by means of the surplus which the Government then had, and he hoped that he would leave the matter in the hands of the Government, and not press his Motion to a division.

SIR GEORGE PECHELL said, he was opposed to any such grant as was asked for by the hon. and gallant Member (Colonel North). He quite concurred in the view taken by the hon. Under Secretary for War, believing that Sandhurst was able to maintain thrice the students now educated there. The grossest extravagance prevailed in that institution. No less than seventy-three officers, including professors, masters, servants, clerks, and others, were employed to take care of about 180 boys, at an expense of upwards of 13,000*l.* The boys paid for clothing, washing, &c. about 4,000*l.*, making in all near 18,000*l.* The governor had 1,000*l.* a year and forage for four horses; this alone would maintain double the number of cadets proposed by the hon. and gallant Member for Oxfordshire. What need was there of such a governor? As he was a general of dragoons, he had his salary of 1,200 a year, independent of the college. Many such officers would only be too glad to go and live at Sandhurst, and enjoy the advantages of that situation, without any salary whatever. A great reduction might also be made in the other salaries.

MR. BRADY said, he objected to the governor receiving such large pay when the duties he had to perform were so slight. He could not understand why an allowance should be made to him for forage for his horses. He was astonished to hear the hon. Gentleman the Under Secretary for the War Department speak of the moderate cost of education at Sandhurst when the annual expense of each pupil was 98*l.* 15*s.* He hoped that the hon. and gallant Gentleman would press his motion to a division, for in his opinion there was in the management at Sandhurst a vast amount of jobbing and abuse.

CAPTAIN SCOBELL said, that although the question before the House was a very small one, it nevertheless involved a principle which he hoped would meet with its support, and that was, whether they were to go on according to the same jog-trot fashion as of old, or whether they would alter that plan to the very limited degree now proposed? The request made to them was, what were they prepared to do for the orphans of officers who fell in the service of their country? And let them remember that request was urged at a moment when those orphans were daily increasing. The hon. Gentleman the Under Secretary at War had called upon the hon. and gallant Member not to divide the House. He (Captain Scobell) hoped the House would divide, if it was only to prove whether or not they had regard for those who fell in the service of the country. They were told, indeed, that there was already a class to admit students at 40*l.* a year. He was ashamed, however, to hear such an argument urged; and it could only proceed from persons who had their thousands a year. Why, how could the poor widow pay 40*l.* a year, who perhaps had only a pension of 60*l.* a year to maintain a whole family. Let them, then, look at the question as practical men. He had not been long in Parliament; but this he would say, that he had never seen a grant withdrawn which was for a deserving object; and he could not help feeling that if Mr. Hume was still amongst them he would not at such a moment grudge the expense of giving a gratuitous education to the orphans of officers. He offered his most cordial thanks to the hon. and gallant

Member for having brought the Motion forward.

Colonel DUNNE said, he only rose to say that he entirely concurred in the feeling of shame at hearing the argument used by the hon. Gentleman opposite (Mr. Peel). Instead of raising the character of the army, the speech of the Under Secretary at War tended to its degradation, and he trusted that the House, by its vote, would tend to show that it joined in that opinion. The college at Sandhurst, forsooth, had been styled a public establishment, while in truth and reality it was a mere private one, and it was so because the institution had to bear the expense of supplying rewards for long services to gallant officers, whom the niggardliness of their country either could not or would not otherwise provide for. It was a perfect disgrace that the college should be administered as it was, while there need be no concealment of the fact that the army was not in the slightest degree indebted to the country for the fact of its maintenance.

Mr. RICH said, he must confess that he had never heard a more narrow view taken of a question than that urged by the hon. Gentleman below him (Mr. Peel). The practical effect of the present system of management at Sandhurst was to deter altogether the sons of the gentry who enjoyed but small fortunes—and who invariably made the best officers in the army—from entrance to that institution. Its advantages, therefore, were exclusively confined to the children of the richer classes, and those of officers. For no one would pretend that the small gentry of the country could afford to pay 125 guineas annually for the education of their children. He would certainly vote for the Motion, and he hoped that there would be a complete investigation into the whole system pursued at Sandhurst.

Viscount PALMERSTON said, the present discussion was in reality an instance of a remark made in reference to the House of Commons—namely, that it was apt to be exceedingly liberal at one moment, and very niggardly at another. For the establishment at Sandhurst was founded originally upon a much larger scale than that on which it now existed; and there was an annual vote of a considerable amount towards its maintenance. Well, his hon. and gallant Friend (Captain Scobell) had said that if Mr. Hume was still with them he would now, at a time of war, not hesitate to support a vote of the public money for the gratuitous education of the sons of officers. [Captain Scobell said, he meant that Mr. Hume never grudged a proper payment for a proper object.] But he could say he remembered fighting many battles with Mr. Hume during a time of peace in reference to this establishment, when his lamented Friend was accustomed to urge upon Parliament, year after year, first, the reduction of the grant, and then its withdrawal altogether. It was contended then that the college ought to be self-supporting. Well, the House of Commons agreed with Mr. Hume, and all assistance from the public revenue was withdrawn from it, and the college was made self-supporting. Now, there was a certain degree of reason in this, because certain privileges were attached to education at Sandhurst; for young men who had gone through their course of studies there were entitled to commissions without purchase, and it was a very fair equivalent for this that they should contribute towards the expenses of the establishment during the period in which they pursued their studies at it. To the assertion, then, that it was not fair to compel young men to contribute towards the expenses of that establishment, his (Lord Palmerston's) answer was, that a great portion of the young men educated at the college, if they distinguished themselves in their examinations, received their commissions without any payment whatever. Now that he considered was a good reason why they should be called upon to contribute towards the expenses of the establishment in which they were instructed for the military service. His hon. Friend (Mr. Peel) stated that those contributions exceeded, in point of fact, the whole expenses of the institution; and it might be reasonable for the Government to consider whether, out of the surplus of the revenue, there might not be found some means of accomplishing the object which the hon. and gallant Member for Oxfordshire had in view by his Motion. Surely, nothing could be fairer than to ask the House to suspend its decision upon the Resolution before it, while it was possible that the object of it might be accomplished without any contribution whatever from the public revenue. Now, with regard to the Resolutions before the House, one portion of them referred to the qualifications of young men educated in the college for the army, while another part goes to say that those young men were entitled to appointments in the civil service. Now that proposition seemed to him to be an extraordinary one. He could very well understand how young men who upon examination proved themselves well qualified should obtain commissions in the army gratuitously; but he should like to know by what arrangements the hon. and gallant Gentleman proposed to carry out his plan by which those young men should be appointed to situations in the civil service? What part of the civil service was thus to be disposed of? What qualifications were to be required for the civil service, different from those that were tested by the usual examinations in the college? A young man might be most competent for a commission in the army or navy, but not for employment in the civil service; at all events, that portion of the Resolution was one to which he thought the House would, under no circumstances, be disposed to agree. He put these facts to the House—namely, the institution originally was maintained upon a much larger scale than it at present was. It was subsequently reduced by the votes of that House; and it was now self-supporting and more. There were now funds belonging to the college which might be applied towards effecting a large amount of gratuitous instruction. Under all these circumstances Her Majesty's Government were not disposed to agree to the Motion of the hon. and gallant Member.

COLONEL NORTH said, the noble Lord seemed to forget that the balance was paid into the Treasury. If the Government would bear the expenses of these ten orphans, and extend the first class by twenty-five, it was perfectly immaterial to him from what source the money was obtained. As to his proposition that these young men should be employed in the civil service, he could not see any objection to it. [Mr. F. PEEL: Hear, hear!] The hon. Gentleman the Under Secretary for War apparently objected to that part of the scheme, and perhaps thought the orphans of officers required no consideration. He thought otherwise, and as long as he had the power he was determined to fight their cause in that House. When pressing questions arose, on which votes in that House were required, situations in the civil service were obtained without difficulty, and why were the orphans of officers to be debarred from that service? The instruction at Sandhurst fitted a man for anything, no matter what it might be. If a young man showed proficiency in languages let him be employed in the War Office, and if another possessed other qualifications, let him enter those departments where his acquirements would be of service. The Government seemed to feel no sympathy for the families of officers who fell in the field, or under the influence of unhealthy climates to which they were exposed. But he would take the liberty of reading a beautiful expression of sympathy on the part of Her Majesty. After the battle of Inkerman Her Majesty wrote thus:—

> "Proud of the victory won by Her brave army—grateful to those who wear the laurels of this great conflict—the Queen is painfully affected by the heavy loss which has been incurred, and deeply sensible of what is owing to the dead. Those illustrious men cannot, indeed, receive the thanks of their Sovereigns, which have so often cheered the soldier in his severest trials, but their blood has not been shed in vain. Laid low in their grave of victory, their names will be cherished for ever by a grateful country, and posterity will look upon the list of officers who have fallen as a proof of the ardent courage and zeal with which they pointed out the path of honour to no less willing followers."

He would certainly divide the House, and let the army see who did and who did not appreciate their gallant deeds.

MR. WATSON said, he would suggest that it would be most desirable that an inquiry upon the subject should take place before a Select Committee, and if the noble Lord at the head of the Government would not consent to such inquiry, he (Mr. Watson) would certainly vote with the hon. and gallant Member opposite. He was an old cadet; his father died in the service of his country, and he was left an orphan in the establishment at Sandhurst. His education was good, and he there learned the principles of honour under the gallant old soldier who had gained his victorious laurels upon the fields of Salamanca. He, however, considered that it was a disgrace to the country that they had not a proper establishment for the orphans of officers. Those who had spent their lives in the service of their country had a right to expect that their families would be received and protected in an adequate asylum. We had brave and noble officers, but the education of the staff officers was lamentably deficient. Because he had a respect for the establishment in question, and a warm heart towards the army, he felt indignant at the scandalous system by which nepotism and patronage monopolised those places which merit alone should possess.

He hoped that the noble Lord would assent to the appointment of a Committee.

VISCOUNT PALMERSTON: I have not the slightest objection to such a proposition—so far from it, I think it both reasonable and advantageous that the whole arrangements of the institution should be inquired into; and I myself shall have no objection to make that Motion.

COLONEL KNOX said, he must express a hope that, under such circumstances, his hon. and gallant Friend would withdraw his Motion. He would request of his hon. and gallant Friend to accept the offer of the noble Lord.

COLONEL NORTH said, he would accept the offer of the noble Lord for a Committee of inquiry, and would not divide the House upon his Motion.

Motion, by leave, *withdrawn.*

GRAND JURIES (IRELAND).

SIR DENHAM NORREYS rose to move for leave to introduce a Bill to relieve Grand Juries in Ireland from fiscal duties, and to place the administration of local affairs in elected councils. As he understood that it was the intention of hon. Gentlemen opposite to take the unusual course of dividing against the Motion, he should be compelled to enter upon some explanation relative to the general spirit of the grand-jury system in Ireland —a system which afforded a curious illustration of the opposite views which might be taken of the same object by opposite parties in the same country;—for while the grand-jury system was described by some as an institution disgraceful to a free country, demoralising in its working, beneficial to the few and oppressive to the many—on the other hand it was represented by the opposite party as a venerable institution, beneficial in its effects, and loved by the people. He wished the House to be guided by neither of these statements, but to listen to him while he described the general system and working of the grand-jury laws, and then to say whether such a system ought to be allowed to continue in any civilised country.

Under the grand-jury system in Ireland all their public roads and works were made and maintained; it built and regulated all their court-houses and county establishments; it provided the funds for the payment of prosecutions and witnesses; their gaols and bridewells were constructed and regulated by them; and they had, at least, the power of checking all such expenditure:—they had, moreover, considerable power in respect of a portion of the medical charities. It appeared by the Report of the Devon Commission, that the amount of taxation levied by the grand juries for these purposes amounted on the average to more than 1,100,000*l.* yearly. This large sum was levied upon the holders of land. Hon. Members were aware that in Ireland every man contributed to the poor-rates who was rated at 4*l.*—or in some cities at 8*l.*—and it appeared from the poor-law returns, that there were, in 1843, 564,144 persons who were rated at and under 6*l.*, and 401,291 who were rated above that sum—in all, very nearly 1,000,000 persons who were liable to be taxed by the grand juries to the expenses he had before alluded to. Now, by whom was the amount and destination of this large sum determined on?—by those who pay? Not at all. By the gentry or the magistracy? No Peer could sit upon the grand jury—though his agent could, and thereby it frequently happened that a gentleman totally unconnected with the county might be put upon the grand jury—the ratepayers had no right to interfere; and as for the gentry and magistracy, except they happened to be selected by the sheriff, they had no right to take any part in the management of this local expenditure. The grand jury were thus constituted—the high sheriff for the time being selected twenty-three gentlemen of each county, and in these vested the whole power of local taxation—and the ratepayers of the county had no right and no power to interfere with this selection. It must not be supposed that the sheriff was obliged to select the largest ratepayers, or, indeed, any ratepayers at all—or that he took the men most popular with the ratepayers; so far is this from being a recommendation that any man who had been elected to that House on popular influence was nearly certain to be rejected. In some counties rank was the leading motive, and the sheriff who should omit certain persons from his list would be certain to give offence: in other counties the choice rested on mere caprice. There was but one restriction imposed by law upon the sheriff, and that was that from each barony there must be one 50*l.* freeholder—who that one should be was left entirely to himself; and as there were, on an average, ten baronies in each county, ten of the twenty-three grand jurymen were selected under this restriction—the rest were left entirely to his caprice. Was it likely that such a system would be either popular or satisfactory? The sheriff, moreover, held office for only one year; he could not, therefore, do justice by selecting the gentlemen of the county in turn—he generally took a few personal friends, and for the rest he had recourse to the names of those gentlemen who had usually appeared on the grand-jury lists. Was a system which placed the taxation of the county, and the granting or refusal of its public works, in a body so constituted, likely to be popular? Was it in accordance with the spirit of our institutions, which boast that no man shall be taxed without the consent of his representative? But it might be said that the matters submitted to the grand jury must have been previously brought before the ratepayers at the sessions. But this was a mere mockery—for how did the House suppose that the members of the sessions were chosen? At each assizes a list of the highest ratepayers was put before the grand jury, who selected from twelve to twenty-four persons to be associated with the magistracy. Thus all that connects the public expenditure in Ireland with the ratepayers, was a body selected by the grand jury themselves; and in practice the selection of the ratepayers for each barony was left to the grand juryman who was connected with the barony, who, of course, selected those persons who agreed with his own views. The crowning absurdity was, that the grand jury selected double the number wanted, and when the sessions came, if the whole twenty-four should attend, as only one half of the entire number can serve, their numbers were reduced by ballot—though nobody did attend unless canvassed to carry some job; and, finally, as if to take away all responsibility, all check and all interest in the county affairs, those who attend one sessions must be struck off the next list. The sessions thus composed of magistrates, and of ratepayers thus chosen, have only the power of deciding whether the work shall or shall not be submitted to the grand jury, they frequently knew nothing of the matter on which they were called to decide, they felt that the real decision did not rest with them, and that power merely of rejection placed them in an inferior and little creditable position—and the magistrates took very little interest except they have some personal interest to serve. Such was the Irish grand-jury system. There is no responsibility, and none of that moral feeling which resulted from responsibility. The grand juror and the ratepayer at sessions are alike ephemeral, they exist but for the day; they are not responsible for the results of their acts—they are not under the control of public opinion, for before it can be expressed they have ceased to exist. How could such a system be popular? He did not go into particular cases of abuse—he attacked only the principle—hon. Gentlemen around him, no doubt, did all they could to carry on the business of their counties honourably and well. But they deceived themselves; their influence enabled them to get what they wanted themselves, and to reject what they disapproved of, and they thought everything went on right. But the mass of the people thought otherwise—they saw nothing in the system but what worked well for the few and the wealthy, but which utterly ignored the interests of the great body of the ratepayers. The grand jury, then, was an irresponsible body; and an ephemeral body; it had no continuity of thought or action, and what was rejected by one grand jury as worthless might be carried by the next. It was totally irresponsible for the results of its acts, and acted therefore without conscience; it had no connection with the wants and wishes of the ratepayers; it was ignorant of the subjects on which it had to decide, and was led by those directly interested; it was a demoralising system, destructive of public opinion and public honesty, and compelled every man to resort to influence and combination; and it was utterly at variance with the spirit of our institutions, and was calculated to destroy all respect for them.

This was the system under which one-half of the local taxation of Ireland was administered. Compare it with the other half. The grand-jury rates were about 1,000,000*l.*, the poor rates amounted to about the same sum. The grand-jury rates were levied on the barony, which is composed of parishes and manors, which again are subdivided into townlands or ploughlands. The framers of the poor law found the baronies to be so unequal in size, so irregular in form, and so inconvenient—the portions so little connected in interest with the rest, and the chief places so ill situated, that they determined to discard them, and to form an entirely new territorial organisation. They took as many of the chief towns as they required, and made them centres, placing the workhouses there; they surrounded them as nearly as the physical features of the country, as identity of interests and consideration of property would admit, with combinations of townlands, forming them into electoral districts. The electoral district elected one or more guardians according to its size, property, and value, and these guardians with an equal number of magistrates formed the Union Board. It was not necessary to defend now the introduction of the magistrates; but as he proposed also to adopt the same principle, he might say that as the poor rates were paid by the non-occupying landlord as well as by the occupying tenant, he held it to be right that property, as distinguished from occupation, should be represented. Here, then, we have the occupier electing their representatives, and the intelligence and education of the country represented by the magistracy. This system was entirely new among us. Opposing and repulsive elements have been brought together, and men trained under the grand-jury system to believe that favouritism and the total abstinence of all public considerations where the interest of a friend was involved was a simple duty, have had to conduct a system which was open to every system of malpractice. The landlords, who thought that their tenants were bound to be their followers, and that as the land was theirs those who occupied it were theirs also, were brought into contact in the boardroom. No doubt, at first, collisions and jobs occurred; but what had been the result? All classes were now acting well together, business is well transacted, personal interests are not allowed to interfere, but above all a public spirit has been created, which was unknown before. He believed that this half of our local taxation was as honestly and as well administered as its authors could have anticipated—nay, he thought it did honour to the Irish character; they had been allowed to govern themselves; and they had done so well that the Government proposes, even to a greater extent than he approved of, to take away all restraint from the board of guardians, and to give up their power of supervision. We have only been eighteen years in existence as guardians, yet we can manage our own affairs, and can be trusted.

Such were the two systems under which the local affairs of Ireland were managed in nearly equal proportions. Under the one the taxation was carried on through an irresponsible body, totally unconnected with the body of the ratepayers and ephemeral; under the other they had responsibility to the ratepayers by representation; on the one side, we find their own affairs not managed by the ratepayers; on the other, we find the ratepayers managing their own affairs—generally with much prudence and good sense.

All he proposed was, that the system which was in operation in respect of poor-law affairs should be extended to the other half of the local taxation of Ireland.

Mr. Wyse, Mr. Smith O'Brien, Sir R. Musgrave, and others, had long since proposed county boards: there was nothing new in his proposition. If they failed, and if he (Sir Denham Norreys) hoped to succeed, it was not from any superior merit of his plan, but that he took advantage of an organisation which did not exist in their days.

The fact was, we have hitherto distrusted our countrymen, and have thought them unfit for self-government. It had been tried, and they were found quite capable of doing so. What was more calculated to elevate the character of our countrymen than to place in their hands all the powers of self-government which were not inconsistent with the general interests? What is so calculated to make a man throw aside the consideration of selfish and personal interests and views as the feeling that he is acting for the community—which would reward him with its approbation if he acted well, or disgrace him by rejection at a future election, if he was found incapable or dishonest? If they could not make men really honest, at least they could make them assume its semblance; and no society was so degraded, but that honesty and integrity were appreciated. They might be sure that the same desire to be well thought of by their country which actuated hon. Members in this House, also acted on the humble guardian, and that it would act on his class more largely in proportion as they the more entrusted to them the management of all their affairs.

He proposed to entrust to his countrymen the power of managing all their own affairs. Nay, he went further, and would propose to entrust them with far greater powers, with much larger discretion, than had been hitherto entrusted to grand juries. This might startle those who have no confidence in their countrymen.

The people of this country have begun to feel that they might learn from foreign nations. Unhappily we have had a severe lesson in the Crimea as to war—so, in questions of peace, they were, on the subject of education, copying not only from America, but even from Austria. He would tell them how local affairs are managed on the Continent.

The system of dividing the country into small districts called communes, and giving them the power of electing their own council of management, subject to the control of superior councils also elective, was one of the greatest and most lasting results of the French Revolution. He would not speak of it as it exists in France, first, because they would not feel much inclined to follow the example of France in respect of its civil institutions; and, secondly, because he had had less opportunity of studying it—besides the present Emperor proposed to change its organisation, and assume more power over the communes.

But the House would probably allow him, as it was so connected with his plan, to refer to the communal system as it now existed in Belgium—in a country where the people were as free, as industrious, as steady in character, as moral, as intelligent, as in their own or in any other country in the world. He could do so with the more confidence, as Belgium, since the establishment of communes, had passed through many political vicissitudes ; but then each change had been for the political amelioration of the people. The communal system had also been altered from time to time. He did not consider it perfect, but at least it had received such gradual amendments as the representatives of a free people had thought it prudent to make in it. He did not, therefore, hesitate to avow that he had borrowed as much from the Belgian communal system as he thought could be engrafted on the Irish poor-law organisation. Belgium was about the third part of the size of Ireland, and had not more than half its population. It was divided into nine provinces, each of which had its elected council, and into about 2,500 communes, each also having its council elected by the ratepayers. The provincial council was elected for four years, one-half going out every two ; the communal council for six years, one-half going out every three years. The governor of the province was selected and paid by the Government. The council elected a permanent body called the "deputation permanente," which he might call its Executive Committee. The members of this Committee receive small salaries, one-half of which depends on the regularity of their attendance. The members of the council receive a small allowance for their reasonable expenses, and for the cost of travelling to and from the place of meeting. The number in the provincial council varies from thirty-four in Luxembourg to seventy-six in East Flanders, and there are in all 461. The number of councillors to each commune varies, according to population, from seven to thirty-one. Each commune has its burgomaster and two or four echevins. The burgomaster and echevins form the Executive Committee of each commune; the burgomaster and echevins are nominated by the Crown. This would at first view seem to be a faulty arrangement, but it would be unwise for a stranger to offer a decided opinion against its propriety. Perhaps its justification may be this ; the communes have much power not only in respect of the administration of the law generally, but also in respect of general taxation, and the administration of hospitals, schools, the general militia, the maintenance of the churches, and so forth. The selection of the burgomaster and echevins by the Crown, is the representation in each commune of the general Government. Now these are great powers. He would give the House an idea of the classes by whom they were administered. There were 1,305 communes, with a population of 1,000 and under.—Nay, out of 2,524 communes, 2,250 have populations of only 3,000 and under ; in fact, however small a commune may be, it finds seven persons within it who are competent to act as councillors—if its population amounts to 3,000, it has nine councillors, and so on to thirty-one.

There are nearly 21,000 persons who act as councillors—and so well do they act that the system is one of the most valued institutions of Belgian institutions—so well does it act that Holland has within a few years adopted the Belgian system ; but he could not speak of this. He would not detain the House with the powers of their councils. They had generally the complete management of all the local affairs, subject to the supervision of the State ; they are intrusted with most of the powers which poor-law boards, grand juries, ecclesiastical commissions, national education commissions, and municipal councils enjoy in Ireland. When, in Belgium, such powers are entrusted to the smallest communes, and that men are found everywhere who honestly execute them, why should he doubt that in the far larger districts which he proposed to form in Ireland, we should find men able and willing to manage their own affairs?

He had, he trusted, established that the grand-jury system was bad; that there existed in Ireland an organisation for the management of local matters which acted well; that the organisation which worked well might be transferred to that which worked ill; and that in a country smaller—certainly not wealthier than Ireland—the system of self-government worked well, and therefore might be copied.

He would now proceed to show how he proposed to make the change. He proposed that the Lord Lieutenant should have power to divide Ireland into districts, formed of electoral divisions, and as nearly the same as the present poor-law unions as possible; into counties which would be the same as the present counties, with such alterations of outlying portions as he might consider requisite. Each electoral division would elect one or more wardens. These wardens, together with the magistrates, would form the board or council of the district. There would then be two councils or boards in each union—the poor-law board and the new district council. Their districts would not in all cases be the same, but as nearly so as the retention of the old county boundary would admit; but, hereafter, he had no doubt that one council will suffice to administer all the affairs of the district.

In reference to the county, he proposed that the several district councils within a county should each select a deputy—one or more—who, together with an equal number selected by the magistrates of the county, should form the council of the county. He did not propose that either the district council or the magistrates should be confined to select from their own bodies; but that they should be at liberty to select the best men. There will thus be two classes of councils in the county. To the district council he assigned the care of existing roads and the formation of new ones, and also the levy and appointment of all rates required for the purposes hereafter described. To the county council he assigned all those powers and duties of grand juries, in which general interests, or works of a more permanent and expensive character, were involved; all county establishments, all expenses connected with the administration of justice, bridges and public buildings, piers, and harbours; also such roads as the council should determine to be of county importance.

Although the county council would be a superior council, and, on appeal, have power to coerce the district council, yet the district council would be, to a great extent, independent; *e. g.* at present a work proposed was approved by the sessions and brought before the grand jury; the grand jury knew nothing about it, passed or rejected it on the advice of one or two grand jurymen. Instead of this, application would be made to the district council in sufficient time to allow a general consideration by the engineer, and every councillor would have had notice of it. It would be brought before the first council.

The first council would simply approve or disapprove. If approved, it would be referred to the engineer and executive committee. The former would check the plans and examine the proposal; the executive committee would ascertain its cost and obtain contracts for it. The proposition brought before the council at its next meeting would have been well considered, and its full cost would be known by the court; it would then be granted or rejected. If granted, there would be a power of appeal to the county council, by a given portion of the council, by any electoral division at its own risk, or by any individual aggrieved, also at his own risk.

As the district council will thus be the representative of the wishes and feelings of the district, he proposed to give it considerable powers. In respect of these powers he would very nearly adopt the Belgian words, "*le conseil règle tout ce qui est d'interêt communal.*" The district council will determine on all subjects connected with the interests of the district, subject to appeal to the county council, or, in respect of general interests, to the Lord Lieutenant in Council.

Every portion of the district will have its warden to protect its interests. In addition to this he would make the engineer of the district also responsible to the public. That is to say, if he neglects to bring the state of the roads of any portion of the district under consideration of council, he may be sued for neglect of duty; and if the council neglects its duties, the county council may interfere.

Each council will meet four times in the year. Each will elect a chief officer, called in the county, chairman of the county in the district chairman of the district. Each council would also elect an executive committee, with considerable powers. Each council may depute, by special minute to its executive committee, to act in the name of the council. As the chairmen and executive committees will have heavy duties, he proposed that their necessary expenses should be paid by the county, or the district, as the case may be.

He would not fatigue the House by going further into the details of his proposed measure; for, as the efficiency of the plan depended entirely upon those details, it would be better to let the House judge of them in their printed form. He would therefore now move for leave to bring in a Bill.

MR. POLLARD-URQUHART, in seconding the Motion, said, that the Bill of his hon. Friend sought to promote self-government in Ireland. The principle had been tried with success in England under the Municipal Corporations Act, and he saw no reason why it should not be followed by the same beneficial results in Ireland. The poor ratepayers in Ireland exercised care and caution in the selection of the board of guardians because they had an interest in keeping down the rate, and the same principle should be applied to the grand-jury system.

Motion made, and Question proposed—

"That leave be given to bring in a Bill to relieve Grand Juries from Fiscal Duties, and to place the Administration of Local Affairs in Ireland in Elected Councils."

MR. MACARTNEY said, that he did not think it would be for the benefit of the country that so important a subject should be taken up by a private Member. There were a great many Members who thought that the grand-jury system of Ireland required amendment; but the Bill for that purpose ought to be introduced on the responsibility of Government. He begged, therefore, to move a negative to the Motion of the hon. Member for Mallow.

MR. FRENCH said, he fully concurred in the opinion that it was exceedingly inappropriate for any private Member to attempt to deal with the extensive and difficult legislation necessary to carry out the objects of the Bill. The grand-jury system in Ireland had often been represented as a nest of jobbing from which no benefit whatever was derived. He thought that was a most unfair representation. The grand-jury system was doubtless susceptible of improvement, but no one could deny that it was a cheap, safe, and expeditious system. They should not change a system which had been established for over 100 years for the mere sake of change. The grand-jury system was a representative and open system, and the works which it sanctioned must be approved of by the county surveyor. Under such circumstances, the grand jury were not likely to pass a work which was not necessary. But beforehand the cesspayers must in the first instance have sanctioned it, and, after all this, there was an appeal to the Judge of Assize. As an instance of the great superiority of the system pursued in Ireland, he would refer to the cost of the public roads. They kept in repair 40,000 miles of road in Ireland, at a cost of 327,000*l.*, according to the last Report. In England, 26,000 miles of road were mortgaged to the extent of 9,000,000*l.* He would not oppose the introduction of the Bill, which showed a great deal of research, but he did not think that his hon. Friend had made out a sufficient case for the abolition of the present system.

MR. M'MAHON said, the county cess, amounting to near 1,000,000 of money, was paid nine-tenths by occupying tenants, who had no voice in the assessment or in the applotment of that sum. In fact it was assessment by one class, and payment by another. His (Mr. M'Mahon's) impression was, that Ireland would never be right or prosperous until it was approximated, in point of local government, to England. The grand jury jobbing in Ireland was at the base of all the other jobbery which caused the misery and the misfortunes of that country. He thought much good would result from the measure.

MR. HORSMAN said, as he understood the hon. Member for Mallow, he did not ask the House to do away with the grand-jury system altogether, but to put it on a better footing. The grand jury were selected by the sheriff, who was an annual officer. The control of the expenditure of a vast sum of money was therefore in the hands of the sheriff, who was elected for the year, and the grand juries who were selected only for the assizes. The counties in Ireland complained that the money advanced by the Government was expended without their having any control. That was an argument in favour of the Bill of his hon. Friend. His hon. Friend proposed that there should be a direct responsibility instead of the present system of irresponsibility, and that was so reasonable a principle that the Government would not oppose the introduction of the Bill. It was admitted by all that the present system was defective and required amendment, and no one who heard the speech of his hon. Friend could deny that he was competent to deal with it. Of course he did not pledge himself to the details of the Bill, of which they could not properly judge till the Bill was before them.

Leave *given*, Bill *ordered* to be brought in by Sir Denham Norreys, Mr. Pollard-Urquhart and Mr. Fagan.

BRITISH MUSEUM, &c.

SIR JOSHUA WALMSLEY, in moving the following Resolution—

> "That, in the opinion of this House, it would promote the moral and intellectual improvement of the Working Classes of this Metropolis if the collections of Natural History and of Art, in the British Museum and the National Gallery, were open to the public inspection after Morning Service on Sundays,"

observed, that the Motion was on the table of the House, during the greater part of the last Session, in the name of His late lamented friend the then Member for Montrose, but who was unable to find an open day for its discussion: he felt it to be his duty to bring forward the Motion as an eminently practical one, and one which he had promised his friend Mr. Hume to support. It was not intended to advance any speculative opinions, to interfere with the observance of the Sabbath, or militate against religious feelings in any way, but was introduced at the earnest request of numerous bodies of workmen in the metropolis and young men in offices, who, in the petitions which they had presented to the House, had stated that it would be of great benefit that the British Museum and National Gallery should be thrown open upon Sundays after divine service. They looked upon those collections as public property, and thought they ought to be thrown open to the great bulk of the community on those days upon which alone they had leisure to examine them. No one could deny that it was most desirable that the working classes should be furnished with abundant means of recreation and improvement, in which their wives and their families might freely participate. Nothing could have a more humanising tendency, be better calculated to draw closer the ties of mutual affection, or more effectually lessen those degrading and brutal scenes of which our police reports gave such ample evidence. In these galleries

they would find objects of interest to wean them from other and less desirable pursuits: it might be from vice to virtue. The study of the works of creation would lead their minds to the love and veneration of the Creator, and, therefore, he thought that throwing open such exhibitions as the British Museum, so far from injuring the morals and bringing religion into disrespect, would raise the people in the scale of human beings, render them thoughtful and observant, and, by leading them to the contemplation of the wonderful power, skill, and adaptation shown in the works of the Creator, would tend to the improvement of their moral and religious condition. Those most interested and most anxious for the success of the Motion, declared they were actuated by no spirit of irreligion, no contempt for established forms of worship, or the sacred expression of private devotion, but by the firm belief that the proper study and contemplation of the creations of nature and works of Art, powerfully enlarge the mind, and open it to a true perception of the Deity. Apart from the religious consideration of the question, there were many reasons why we should give to the workman the means of improving his knowledge, his science, or his taste. Why, he asked, were the ornamental productions of other countries so sought after in England but from the fact that the workman of the Continent, having more opportunities of improving his taste by the contemplation of the public collections, was able to produce designs of a more elegant character than our own workmen, with whom the struggle of life was so incessant that no other day but Sunday afforded them the least leisure to improve themselves. He admitted that considerable diversity of opinion might exist upon the religious view of the question, still he assured the House that it was from no indifference to religion, but because he believed it would promote the welfare and lead to the regeneration of the large class whose cause he was advocating that he had brought forward the Motion. He would venture to urge upon those who enforced upon others the pharisaical observance of the Sabbath the divine doctrine of Him who taught that the Sabbath was made for man, and not man for the Sabbath. He was persuaded that great numbers of those who upon Sundays pursued a course of vice and dissipation might be saved from such degradation if fitting opportunities were afforded them. The proposal which he made involved in a very slight degree the attendance of the officials upon the Sabbath. A few police officers would be ample for the purpose, and not one individual would be deterred from attending divine service. Having quoted the opinion of Dr. Gray in 1841 in favour of this view, he reminded the House that the Committee of last Session upon public-house licences had urged the opening of these nurseries of science as calculated in a great degree to mitigate the evils of immorality, intemperance, and crime; and he contended that the throwing open of Kew Gardens, Hampton Court Palace, and the Painted Hall at Greenwich afforded evidence of the wisdom of that. He contended that such a recommendation, deliberately reported to the House, should not be lightly regarded, especially when they remembered the highly intelligent and practical character of the men who sat on that Committee, and agreed to that report. Many good, and wise, and pious ministers of the Gospel had declared their opinion that, so far from desecrating the Sabbath, such a measure as he proposed would hallow that day; and many most eminent living Statesmen, of all views of politics, had recorded their opinions in favour of innocent recreation upon the Sabbath. He had supplied himself with a great number of authorities upon this branch of the case, but he would only trouble the House with a few brief extracts. That excellent man Dr. Arnold, in reference to railway travelling on the Sunday, which some regard as desecration, said—

> "That it should be a day of greater leisure than other days, and of the suspension, so far as may be, of the common business of life, I quite allow; but then, I believe that I should have much greater indulgence for recreation on a Sunday than you might have; and if the railway enables the people in the great towns to get out into the country on the Sunday, I should think it a very great good."

A great authority on this subject, the Rev. Mr. Holden, says—

> "No express permission is found in the law of Moses, but that they were at least allowable, to a certain extent, may be inferred from several considerations; as a total abstinence from all amusement would render it a day of gloom and sadness, productive of melancholy rather than of religious comfort, no such enactment, it may be presumed, would be promulgated by a benevolent Deity."

Again, he says—

> "Many writers and preachers condemn without restriction, all secular pleasures on this sacred day: but, that amusements are, to a certain extent, permitted, is implied in the sabbatical command; for the injunction to remit the accustomed toils of life, not only is, but must have been intended to be a source of delight, and it is in perfect harmony with this design, to allot some portion of the day to proper recreation and refreshment."

That astute and learned man, one of the truly enlightened dignitaries of the Church, Archbishop Whately, says—

> "There are two volumes, as it were, both by the same divine Author, spread out before us for our instruction and benefit, from each of which we may learn something of his dealings, so as to apply what we learn to our own practical advantage. One of these may be called the book of Nature, the system of the Created Universe; the other, the Record of Inspiration."

And, elsewhere, the same distinguished divine and scholar, says—

> "Other things being equal, you will find that those who have had the best general mental training are the best prepared for a correct and profitable reception of religious instruction, and that those who have been taught little or nothing beside what are called the general principles of religion and morality, not only do not embrace those principles so well as those of more cultivated understanding, but will be still more deficient in the right application of such principles."

He would only trouble the House with one more, although he might well read such evidence as he believed likely to carry conviction to those who would fairly reason on the question. The Rev. John Griffith, vicar of Aberdaire, in addressing his own flock on the general question, said—

> "I have spoken my mind honestly on the subject; I think it is time the clergy should speak; I will yield to none, in doing all and everything to keep holy the Sabbath-day, and I am quite sure my parishioners will bear me witness in this; but there is a vast difference between keeping this day holy, and that rigid Sabbatarianism which has nigh threatened more than once to bring back the vapid emptiness of the days of the Roundheads: the question is not one of desecration of the Sabbath, but the enlightening, the recreation, the rest, and the elevation of the working man. Lord Derby has done a noble act, and I trust he will be supported therein. I fear nothing of continental desecration, I fear nothing for religion or the Church; open people's minds, and let us, the Clergy, pray God to open ours as well, and the City that is set on a hill can never be hid."

It might have been observed that in some of the petitions which had been presented it was forcibly remarked, that a constant familiarity with beautiful forms was one of the readiest means of acquiring all that was graceful and most applicable to art, since it was through the eye that the perceptive and moral faculties were the most easily reached. Doubtless there were Gentlemen in that House who would bear witness to the moral and religious influence which had been produced upon the minds of many who had flocked to witness the glories of the late Crystal Palace. Among them were men, who, sullen from suffering, were so ignorant as to confound order with oppression, and wealth with injustice; but yet those men, whose minds religious teaching had never softened, were subdued at the grandeur of the sights which they there beheld, and, for the first time, they learnt to reverence genius, intellect, and property. This question was one of high and growing importance, and whether the present Motion succeeded or was rejected he had no doubt of its ultimate success. He asked the House, however, fairly to consider this question, and to decide in favour of a course which he believed would promote the moral, the intellectual, and the religious character of the people.

Mr. BIGGS seconded the Motion. He considered that the course advocated by his hon. Friend was one which would tend to raise the condition, moral as well as physical, of the lower classes of this country, and ultimately to benefit them in a religious view. Notwithstanding this he was well aware that the chief opposition to the Resolution would be based on religious grounds. The House would doubtless be told that the course proposed would lead to a desecration of the Sabbath. But this statement assumed that the Sabbath of the Christians was like that of the Jews. That was entirely a false idea. He would remind the House that upon the Continent, Sunday was observed in a far different manner to what it was here, and even in this country its observance was very different from what it had been. In Catholic times it had been a day of rational devotion and amusement. But unfortunately for us in this respect the Scottish feeling had penetrated here, bringing in its train religious fanaticism. He did not deny but that in other respects we had received advantages from Scotland. With reference to the question as to the manner in which the Sabbath should be observed, he would quote the opinion of Dr. Arnold, of Rugby. That rev. gentleman said, upon being asked whether he objected to Sunday travelling, that it was a question of degree, and that he for one would never use his influence to put a stop to all railway trains upon a Sunday, although upon many accounts he should wish to see their number diminished upon that day. For the satisfaction of his Scotch friends he might mention that

Sir J. Walmsley

Mr. George Coombe gave a similar opinion upon the question. After a most careful perusal of the Scriptures, he found with pain and regret that there was no written Christian injunction or command to keep the first day of the week as a Jewish Sabbath at all. All their Beer Acts and other similar legislation were founded on the fallacious idea that there was some such written injunction. But he would surprise the House still more. There was no written Christian injunction or command to keep sacred the first day of the week at all. There was the same reason for keeping Wednesday or Thursday as a Jewish Sabbath as Sunday. The only rule for observing the first day of the week as a Sabbath was the universal custom of the Church for 1,800 years, and the custom had been to devote the morning to worship and the afternoon to recreation or even amusement. This observance was founded on a knowledge of human nature. To that statement he defied contradiction. He was stating that fact in a spirit of seriousness and as the result of his own inquiry into the subject, and as it was necessary to come to close quarters, he would again state that the obligation upon Protestants to keep holy the first day of the week rested entirely upon the universal custom of the Christian Church. He did not wish to be understood as in any way undervaluing the Sabbath; so far from doing so, he thought that if it were even a human institution it was founded upon sound and wise principles, but at the same time he did not consider that that day was set apart for gloom and fanaticism, but rather for devotion and enjoyment. The Roman Catholic Church in respect to the Sabbath acted upon a much better judgment of human nature; for, in his opinion, millions of the working people of this country were repelled from the Protestant Church by the ill-judged asperity it displayed with regard to the observance of that day. It was not right, nor was it, he believed, in accordance with Holy Writ to deprive the working man of rational means of enjoyment and instruction on the only day of the week which was at his own disposal. He hoped that he should not be answered by vulgar declamation, but that the House would approach this subject with the desire of doing all that could be done to elevate the minds of the lower class, and to raise them from the state of wretchedness and debauchery in which too many of them were plunged.

Motion made, and Question proposed,

"That, in the opinion of this House, it would promote the moral and intellectual improvement of the Working Classes of this Metropolis, if the collections of Natural History and of Art, in the British Museum and the National Gallery, were open to the public inspection after Morning Service on Sundays."

MR. LLOYD DAVIES said, he must ask the courtesy of the House, as a new Member, to bear with him while he read a letter from a Welsh clergyman, surrounded by a primitive congregation, whose habits, thank God! had not yet been corrupted by too much admixture with the world, but who still devoutly followed the observances taught them in youth. That rev. gentleman said he viewed this proposition as part of the great scheme of Sabbath desecration, which tended, in his opinion, to bring the divine vengeance upon us as a nation. He could not avoid expressing his apprehension lest the pious injunctions the people might have received in church should be soon destroyed by their going in crowds to a place of amusement. He said this Motion, so rashly brought forward and so feebly sustained with declamation, but without argument in support of it, had no claim to be adopted.

MR. DRUMMOND: Sir, an expression fell from an hon. Gentleman—I do not know whether accidentally or by design—which marked the spirit in which this question is brought forward. For the first time in my life did I hear that which has been by universal consent of all Christians up to this hour called the Lord's day, designated, in the most extraordinary way, the "people's day." Now, Sir, I am going to speak of it as a question of the Lord's day. I have always been as much convinced as any man of the impropriety of the puritanical way in which the Lord's day has been observed in Protestant countries—that is to say, that whereas it was held in the universal Christian Church as a festival, since the Reformation it has been considered as a fast. But, of course, it was not called the Sabbath, because Sabbath is the seventh; and it would have been a mere misnomer to call the first day of the week the seventh. The principle remained the same. It is of no use hunting for texts about it. Texts, Sir, are very much like precedents, and precedents are very much like quotations, of which Payne Knight said, that they are "the remembrancer of the scholar and the oracle of the dunce." Whatever texts may be cited, the principle is that the seventh part of every man's time and the tenth part of his substance, is due to God. [*Suppressed laughter.*] Oh, Sir, I have not the least doubt that the derisive smile—suppressed out of good breeding rather than from any sense of truth—is connected with the question of the "people's day." There is a thorough contempt for tithes as an institution of God. It may be, or may not be, a convenient way of paying parsons. That is the people's affair, however. The religious aspect of the question is rejected altogether. Sir, I have great difficulty on this question—not as to what I myself think right, but in saying what ought to be the determination of the House; for when I see them constantly entertaining questions for refusing support to the national churches—those churches which are for the benefit, almost exclusively, of the poor—and then seeking a substitute for the churches which they will not give—going to the British Museum to see the gentlemen just arrived from Nineveh—those red men with green beards—when I see them, by way of improving the morality of the nation, encouraging incestuous marriages—when I see them year after year, bringing in Bills to rob the Church of her property, and, I am ashamed to say, those who are the trustees of that property defending it on the ground that it is private property—I am at a great loss to know what an assembly which recognises such principles ought to do on this occasion. But still I think there is a very great distinction between what an individual feels in his conscience it may be right to do on the Sunday, and what is public desecration. There is a distinction between that and his uniting as a member of a national assembly in a measure for opening public institutions on the Lord's day, and thus aiding in its public desecration.

THE MARQUESS OF BLANDFORD said, he was not desirous of imputing any unworthy motives to the hon. Gentlemen who had thought it their duty to bring forward a Motion of this nature, but of all the arguments used for the promotion of this measure certainly the last which should have been resorted to by its supporters (though no doubt their ideas, which were peculiar, might be sincere) was the religious argument. Their attempt to resort to such an argument he considered most extraordinary; and he considered this as an underhand, circuitous, and subtle mode of introducing the "thin end of the wedge," with a view to the desecration and destruction of an institution the pride, the treasure, and the glory of every Christian nation. He felt that it was an important matter to consider in this case whether their acts would be in conformity with that religion they professed, and that Word of God they reverenced. It had been endeavoured to show that the Sabbath was a part of the Jewish law which had been repealed by the Christian dispensation. That he entirely denied. The word "Sabbath" did not mean the "seventh day," but was the Hebrew word for "rest:" the substance of the Divine institution was a day of rest, and the fourth commandment mentioned it in that manner. That commandment was in the midst of others, which, it was admitted, belonged to the moral law of God—binding on men in all ages and countries, as much so as the command to honour parents or the prohibition of murder. The hon. Member who had denied that there was any passage in the New Testament recognising or reaffirming the obligation to observe the Lord's day, had forgotten that solemn text, "Whoever shall break one of the least of these commandments"—of the moral law—"and shall teach men so, the same shall be called least in the kingdom of God." It was quite true that the "Sabbath was made for man," but in what sense? Not as a mere day of amusement and entertainment; in a higher, and holier, and more sacred sense—as a day of rest and nourishment for the soul; the six days being for the sustenance and support of the body, the seventh was for the rest, and nourishment, and refreshment of the soul—for its exercise, for its spiritual support and sustentation. The question might also be argued upon social grounds. The House must not forget the views of the Legislature, formed for a long period by a series of Acts of Parliament, passed for promoting the observance of the Sabbath, from the age of Edward III. to the present time. Those Acts related to a variety of subjects, and though in terms they might be obsolete, yet in principle they were not effete, for they were passed to put down abuses of the Sabbath which had arisen at different periods, and proved the anxiety of the Legislature to preserve its due observance. A great part of the question related to public-houses and the Report of the Committee on the subject, which had shown the grievous evils arising therefrom. There had been a similar Committee in 1832, another in 1847, and a Committee of the House of Lords in 1851. Their Reports showed how necessary was legislation on the subject, in order to restrain the vices which were rampant in public-houses, and the great abuses which especially arose from their being open on Sundays. It also appeared that the opening of places of amusement did not diminish the attendance at public-houses on Sunday. It was said that the Zoological Gardens had been opened on Sundays at Dublin, but it had not appeared that the public-houses had been less frequented in consequence. On the contrary, it had been proved, that when the Crystal Palace was being built, and there was a great resort to it on Sundays, the public-houses in the neighbourhood were much frequented. Nor was there ever a more irrational conclusion than that come to by some Members of the Committee, that when the Crystal Palace was completed, its being opened on Sundays would not lead to similar results. If before the opening of the Crystal Palace such was the state of things, what might not be expected when, after its completion, greater crowds still would be attracted? With regard to the opening of Kew Gardens on Sundays, a gentleman who had taken the trouble to observe the visitors remarked that they consisted of persons above the lower classes of life, who, tired with walking all the afternoon, refreshed themselves in the numerous public-houses of Brentford, and often remained in them all the evening. [*Cries of* "Divide!"] There was only one other subject to which he would call attention. Last Session an important Act was passed for the closing of public-houses for a greater number of hours on Sunday, and the effect in the metropolis had been an immense decrease in the number of drunken cases brought before the police magistrates on Monday morning. The effect in Scotland of closing public-houses on Sunday, under the Forbes Mackenzie Act, had been most extraordinary, and had shown how remarkable a connection existed between crime and drunkenness. The sanctity of the Sabbath was the ground on which the Legislature interfered to close public-houses on Sunday, but if the British Museum and the National Gallery opened their doors, every other place of amusement would follow their example, and the sanctity of the day would be entirely destroyed, and the ground on which the legislature would interfere removed. The Motion before the House was specious in its appearance, but fatal in its results. He trusted that Parliament would never sanction such a measure, but would pursue the policy of sanctifying the Sunday as a day of rest, believing that such a policy would bring its abundant reward, according to the promise, "Them that honour me I will honour."

MR. APSLEY PELLATT said, he should regret exceedingly if this Resolution, candidly brought forward and peculiarly seconded as it had been, should diminish in the minds of the working classes that reverence for the sanctity of the Sabbath, which was the honour of this country. He had mixed a great deal with the working classes, and was of opinion that opening the British Museum and other places on Sundays was taking the wrong course in order to enlighten their minds. What was wanted was, that such places should be open in the evening, and on Saturdays and Mondays, but particularly on Saturday afternoons. A movement for early closing in the City was in progress, and another movement was gaining ground for half-a-holiday on Saturday afternoon. Unhappy should he be if we lowered ourselves to the standard of France and Germany in the reverence of the Lord's Day, and happy should he be if we could raise them to our standard. There was at present a movement in Paris to lessen the amount of Sunday trading, which he was gratified to find was regarded with favour by the French Government. As a proof that the opinion of the country was opposed to propositions similar to that which was brought forward, he would refer to the fact that the number of petitions against the opening of the Crystal Palace on the Sabbath amounted to 835, which were signed by 186,048 persons, while the number of petitions in favour of opening it were 127, to which were attached only 24,249 signatures. He would, therefore, move an Amendment to the Motion in furtherance of his views on the subject.

Amendment proposed, to leave out from the word "House" to the end of the Question, in order to add the words "the National Gallery and the British Museum should remain closed on Sundays as heretofore, and that they should be opened every day in the week except Sundays; but, at all events, they should be open on Saturdays and Mondays, those days being most convenient for the Working Classes;" instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. KINNAIRD said, he had persuaded his late Friend (Mr. Hume) not to bring forward this Motion last Session. He was glad he had done so, because the question in the hands of the present Mover and Seconder had received a blow from which it would not now recover. He would read to the House a few lines from *The Times*, which set this question at rest, and was perfectly satisfactory to his mind. *The Times* said—

> "The opening of museums on Sundays would preclude the possibility of closing other exhibitions equally innocent and attractive. Why should private collectors be debarred the licence assumed by the nation? If Sunday visitors are able and willing to spend a shilling of their weekly earnings in the purchase of a harmless gratification, why should they not be as free to do so as to avail themselves of a gratuitous exhibition? Why should not Madame Tussaud's be open? Why not Vauxhall? The line of demarcation would grow more and more difficult to draw. Under our present institutions we can very justly close the theatres on a Sunday, but after the proposed infraction of them we should be in a strange dilemma even on this point. If scenic representations are abstractedly innocent, why proscribe them on a Sunday? If abstractedly otherwise, why encourage them on the other six days of the week? But each of these exhibitions would entail a proportionate extension of traffic and trade, till at last a closed shop on a Sunday would be a rarity resulting from the circumstances of the district or the position of the individual."

Let these hon. Members look at Paris. He had been there during two Sundays, on both of which the building of the new streets was going on. This was a question for the working men, and the result would be that they would have to give seven days' labour for six days' wages. This result might be seen carried out in Paris, for there the working classes laboured every day in the week, and the same effect would follow here if the Government withdrew its protecting arm from the rapacity of individuals. When the marriage question was under discussion, an opponent of the Bill asked the supporters of it why they did not act like men, and propose at once that men should be enabled to marry their grandmother; and he (Mr. Kinnaird) would say with respect to this question let them act like men, and look its full bearing in the face. He believed the object of the promoters of this scheme was to cause people to work on the Sabbath day, for it was supported principally by those who had resisted every effort to protect the poor people employed in factories; and he, consequently, distrusted their professions of attachment to the labouring classes. He hoped his hon. Friend (Sir J. Walmsley) would not withdraw his Motion, after having kept Members waiting, week after week, in expectation of it, but that he would allow the House at once to express a straightforward English opinion upon a question which was of vital importance to the country.

Lord STANLEY said, he thought he was entitled to infer, from the last two speeches which had been delivered, that whatever considerations might be involved in this question it was entirely removed from considerations of a party nature. He was anxious to say a word or two upon it, because, if they came to a division, his would be a vote unpopular, he believed, in that House, and, perhaps, still more unpopular in the country; because he conceived that a Member of that House had no more important or sacred duty to perform than that of combating what he thought was a prejudice, although it might be entertained by persons for whom he had the sincerest respect and might be grounded upon the most conscientious motives. All the arguments he had heard or read against the proposition of the hon. Gentleman (Sir J. Walmsley) might be summed up under two heads—first, the abstract argument of the sanctity of the Sabbath; and next, the argument, that by opening these institutions unnecessary labour would be thrown upon Government officers. The most important of these questions was, of course, that which related to the desecration of the Sabbath, or, as it was called, Sabbath breaking; and, with respect to that question, he thought something too much had been conceded by the mover and seconder of the Resolutions. Those hon. Members had argued the question as if it was in fact a question of the desecration of the Sabbath, and the dispute was whether that institution was binding upon us, and whether that desecration was permissible or not. He thought that idea belonged to a theory utterly false and unfounded, although not uncommon in this country—he meant the theory which attempted to establish a kind of antagonism between things secular and things sacred. He did not mean to say that a man would learn in a museum or a picture gallery that which would be so important or so valuable to him as what he could learn in church, but he said that, taking it for what it was worth, intellectual and moral improvement was itself a part of religion. When he was told of the sanctity of the Sabbath, he would admit that he regarded that institution as, perhaps, the most venerable and valuable which had come down to us from past ages; but why was it so venerable and so valuable? No institution, however sacred, could be in itself an end; it must be a means to an end, and the end for which that sacred day was to be reverenced was the moral and intellectual improvement of those who observed it. What was the leisure of the working man upon a week-day? Out of the 168 hours which composed the week about sixty hours were employed by him in work, and at least two-thirds of his entire time would therefore be taken up by the necessities of that labour by which he earned his bread, and by the repose necessary to recruit his strength after it, and enable him to undergo the succeeding day's labour. When it was said that the working man ought to educate himself upon a week-day, let those who thus argue make the case their own, and ask themselves what would be their capacities for self-education and self-improvement after ten hours of manual labour? It was perfectly true that mechanical improvements might in the progress of time operate to diminish the amount of human labour. That was a consideration for the future, as up to the present time they had certainly not operated in that direction, and he believed the amount of manual labour now performed was as great, or greater, than it had been at any previous period. Neither the labourer nor the employer had any option as to reducing the hours of labour; both were driven on by that competition which urged us all forward, man against man, in this country, nation against nation in the markets of the world. As matters now stood, if they were to lay down the principle which lay at the bottom of all argument about the sanctity of the Sabbath, namely, that the whole of the day of rest was necessarily to be appropriated to subjects and studies of a theological character, they were thereby deciding that the education of the working man should virtually terminate in his youth, which was equivalent to saying that his intelligence and knowledge should in future remain very much upon their present footing. He believed that this exclusive appropriation of the day of rest, in popular opinion, to subjects exclusively theological, lay infinitely more than the want of an Education Bill, or the want of proper schools, at the bottom of that ignorance which they all lamented; and he believed that, unless they applied some remedy in this direction, all educational measures, even such as that which his right hon. Friend the Member for Droitwich (Sir J. Pakington) had lately introduced, would be comparatively useless. Was it asserted that the objects proposed by this Resolution would necessarily interfere with the performance of any religious duties? Did it follow that the opening of a picture gallery or a museum upon a Sunday afternoon would take away from the attendance of churches? What was done now? They allowed Hampton Court and Kew Gardens to be opened on the Sunday, they encouraged, by allowing excursion trains to run, the inhabitants of the town upon their only holiday to breathe the fresh air of the country; but the argument of desecration on the Sabbath applied much more strongly in these cases, for an expedition into the country generally occupied an entire day. This was not, however, a mere question of what had been permitted by previous legislation. Did hon. Gentlemen mean to apply to themselves the same rules which they applied to working men? If any Gentlemen would say that they passed the Sabbath in such a manner that they should regard it as a comparatively profane occupation to visit a museum or to look at pictures, he would not dispute the question with them; although even in that case he might observe, that there was a wide difference between doing that which we ourselves thought right, between obeying the dictates of our own consciences, and endeavouring to force others to obey them. But to force on other persons, especially if they belonged to a class not represented in that House, the rules of a morality more strict than we ourselves practised, did not appear to him to be conduct which had in it much of religion or of honesty. And who were to be the real gainers by the prohibition it was sought to enforce? Was it the belief of hon. Gentlemen that they would either send to church or keep at church any man who would not be there if these institutions were opened? A man who went to a place of worship, simply because he had no other place to go to, was not likely to profit much by what he heard there. An attempt had been made to close the public-houses upon Sundays, but he believed that the practical difficulty of the question of what constituted a traveller would be an obstacle in the way of such preventive legislation, and would compel them, whether they would or no, to keep the public-houses open during a certain portion of the day. It was his belief, that where the proposed measure would have the effect of taking one person from the church, it would take ten from the public-house. If he wanted proof of this, he found it in the nature of the opposition made to this Resolution. This opposition came from perfectly opposite quarters. There were those who were anxious for the interests of religion, and on that ground voted against the Resolution; and he had nothing to say against their sincerity; but there was also a large class who opposed this and similar Resolutions, and though he did not regard their opposition with the same respect as he did that of the first class he had mentioned, yet he thought they were more correct in the results which they apprehended from these Resolutions—he meant the publicans. A circular had also been issued by a society for the due observance of the Sabbath which had threatened all persons who voted for this measure with public exposure. He was not acquainted with the working of this society, but if this was the way in which they carried on their proceedings, he thought that they should change their name and call themselves a society for the promotion and encouragement of intemperance. He had endeavoured to speak on this matter without exaggeration, because he knew that in every part of England, especially in the manufacturing districts, if they asked a sensible man what was the great social evil of the time, ninety-nine out of every hundred would give the same answer, "It is drunkenness." He knew from returns that in a single town in Lancashire, with between 70,000 and 80,000 inhabitants, 1,000*l.* was daily spent in intoxicating drink. If they asked the Judges what was the cause of the greatest amount of crime, they would answer, "Drunkenness." If they asked medical men what was the cause, directly or indirectly, of disease and of more than one-half of the cases of insanity in our hospitals and asylums, they would give the same answer, "Drunkenness." He believed that the trouble of finding the cure for this evil was the great problem of our time. How were they to do this? Not by restrictive laws, though, perhaps, they were useful enough in their way; but prohibitory legislation would assuredly not effect the cure. In order to apply the remedy, they must first find the cause, and he believed that, more than anything else, the great cause was the want of right intellectual occupation for the working classes. It was hardly possible for hon. Gentlemen, leading the lives they did, engaged as they were in intellectual pursuits, to conceive the intense, the utter weariness that came over a man without any intellectual pursuit—who was engaged in an unending and unvarying routine of bodily labour. The first requirement they ought to have in view ought to be to afford some means of recreation and self-instruction to the people; he said, and he asserted it without fear of contradiction, that for such improvement and self-instruction time was not given in any week-day. As regards the question of desecration, he did sincerely and earnestly say, with deep respect for the feelings of those who desired to see the Sabbath kept holy, that the purpose for which that day was intended was carried out when it was applied to any purpose of moral and mental improvement. As to the labour question, he thought that he could easily show that the opening of a museum or picture gallery required the employment of a very limited number of persons. All experience as to the conduct of the people in such instances always proved that they conducted themselves admirably, and that little mischief was ever done. The presence, therefore, of curators and managers would not be wanted; they would require no skilled superintendence, only the supervision, as in all places of public resort, of a limited number of police. He was quite ready to allow that they had no more right to do an injustice to a few than they had to a many; but, after all, this was only a question of degree; the police, under existing laws, had duties to discharge on Sunday as well as on other days: the same persons would not be employed week after week, and relays could easily be obtained for the limited number that would be required for such a purpose. He did not know on what ground hon. Gentlemen could argue against the employment of attendants in a national institution to wait on the public, because there was not a family or household in the country that altogether dispensed with domestic services on that day; even those who advocated the strictest observance of the Sabbath did not hesitate to employ a domestic servant; and if a family of eight or ten persons did not scruple to give employment to some one domestic servant during a part of that day, he did not see on what general ground or principle it could be contended that, perhaps, more than 20,000 persons who entered a museum or picture gallery had not a right to command the services of the limited number of servants they required, as this would probably not amount to more than one attendant to every 500 persons, or not more than one-tenth of the labour, proportionate to the advantages and conveniences derived, which is required in every ordinary family. He could only say that he should vote for this Resolution, believing it to be, educationally and morally, a most important measure; believing it would be a precedent which would be applied not only to this metropolis, but to all the great towns of the country, and believing that the line of demarkation which an hon. Gentleman had told them it was so difficult to draw between places of an innocent and improving recreation and those of a wholly opposite nature, would be easily defined by those who were not wilfully blind to it.

MR. E. BALL said, this was one of the most important questions that could engage the attention of that House, because it concerned the due observance of the Sabbath. The hon. Mover of the Motion had claimed the advocacy of Dr. Arnold, on the ground that the doctor was not averse to the running of mail trains on Sunday; but Dr. Arnold had never said or done anything to justify a violation of the Sabbath, and therefore he considered that an unfair use had been made of his name. The hon. Gentleman who seconded the Motion had reminded them that originally the Sabbath was held on Saturday, but the hon. Member forgot that the original Sabbath was held in commemoration of the creation of the world, while the Christians changed the day—not the purpose of the day—in honour of the salvation of the world. Therefore, the one day was just as sacred as the other. He was admonished by the clock that they were rapidly advancing upon the fast day, and it seemed somewhat strange to him to find the House on the eve of a fast day discussing the question of a due observance of the Sabbath. The speech, however, of the noble Lord who had just addressed them he had listened to with so much sorrow and pain, that he felt constrained to continue the discussion, if it was only for the sake of exposing the evil tendency of that speech. It advanced principles which he considered to be adverse to all good government, which were opposed to all true religion, and which he believed to be detrimental to the best interests of the community at large. The noble Lord argued that the poor man, being engaged in work for six days, could not afford sufficient time for instruction. What, then, was the natural inference? Why, that the seventh day should be devoted to instruction, and what better places could they resort to for instruction than those where they were taught the best things for their eternal interest? Spite of all the secular knowledge they might obtain at your British Museums and National Galleries, much better would it be for them to go to church or to chapel, where they would learn how to obtain everlasting salvation. The noble Lord's notions of teaching were akin to that of the Athenians and Corinthians, who excelled in all the polite arts of life, but whose proficiency in those intellectual acquirements did not tend to the advancement of their morals and religious feeling. This was a most important question, and he hoped the hon. Mover of the Motion would have the courage to bring it to the test of a division.

Mr. GOULBURN said, it was his fortune to be connected with one of the institutions referred to in this Motion, and perhaps, therefore, he might be permitted to offer a few observations, not only with regard to this institution, but also upon the general question. The hon. Gentleman the Member for Southwark (Mr. A. Pellatt) proposed, as an Amendment to the original Motion, that the British Museum should be opened every day in the week except Sunday; but that at all events it should be opened on Saturday and Monday evenings. Now, as a trustee of that institution, he could honestly say that it had been the desire of that body that the Museum should be opened on the day most convenient to the working classes, and upon examination of those most competent to give an opinion, it was determined that Monday was the day which, generally speaking, the working classes devoted to such purposes as visiting these institutions. The hon. Member for Southwark could hardly be aware, judging from his Amendment, that the British Museum was opened to the general public on Mondays, Wednesdays, and Fridays; Tuesdays and Thursdays were appropriated to artists, and if Saturdays were not allotted to the working classes it was because one day in the week was required for the purpose of cleansing the building. If, however, such an arrangement could be made, as to give Saturday evenings to the working classes, he was sure the trustees would reconsider the question of opening; and although he could not promise what the result would be, he would yet undertake that the matter should be duly considered. But hon. Members would form a very erroneous opinion if they thought this Motion was confined simply to opening the British Museum on Sundays; it involved, upon the showing of those who advocated the Motion, the great principle of allowing public amusements to be part of the business of the Lord's day; and if hon. Gentlemen advocated the Motion so far as the metropolis was concerned, how could they refuse a similar concession to Leicester, Liverpool, Manchester, and other large towns, where the places of public resort might not be of the same intellectual and moral character as the British Museum? Dr. Gray, of the Museum, had well remarked, if they allowed people to inspect inanimate representations of wild animals on Sundays, how could they refuse them the right of witnessing, on the same day, the living forms as they were carried about in caravans to different places? He looked, therefore, upon this measure as the first step towards the authorised desecration of the Sabbath. He had been surprised to hear the noble Lord opposite declare his intention to vote for a resolution which called on the House to express an opinion at variance with the existing law. The law required the Sabbath to be observed, and that no works should be done on that day but those of necessity, piety, or charity. The resolution was in direct collision with the law, and before they adopted it, they were bound to fix the limits to which public amusements should be allowed to run on Sundays. It was a mistake to argue this question upon the ground that it was better to allow people to visit the British Museum than to frequent public-houses, because the due observance or the desecration of the Sabbath was not to be determined by any comparison of that nature. The question at issue was simply this—would the opening of the British Museum in the manner proposed by the Resolution be conformable or not to the will of Him who framed the Sabbath? It was a violation of the divine law, and in the violation of the divine law there could be no degree. All experience proved that the breach of one divine law was only the forerunner of more aggravated guilt. If they disregarded the little sin, they would soon come to commit the greater sin. Could it believed that by the mere insertion of the words, that these places of amusement should be opened after the hours of divine service, they would promote the attendance of the people at their respective places of worship? The hon. Gentleman (Mr. Biggs) who seconded the Motion appeared to be of opinion that the British Museum was intended for the benefit of those who resided in its immediate neighbourhood. Such was not, however, the case; indeed, the greater number of those who visited that institution were in the habit of coming from Whitechapel, Kensington, and the more distant quarters of the metropolis; and if, as the Motion proposed, the Museum were to be open after the hours of divine service, the consequence would be that attendance at church would to a great extent be precluded in the case of those visitors from the more remote quarters of London. The noble Lord the Member for King's Lynn (Lord Stanley) had stated that Sunday was the only day upon which the poorer classes could enjoy the privilege of visiting the Museum; and supposing that to be the case, it would follow, if it were thrown open on the Sabbath, that parties would be formed by the inhabitants of the more distant portions of the metropolie to visit it, and that those persons, instead of attending at the churches of their respective districts, would pass the greater portion of the Sunday either in travelling to and from their homes, or in those places of refreshment contiguous to the Museum. In the evening, then, they would return tired and weary, and he was afraid but little improved in a moral or intellectual, and still less, in all probability, in a religious point of view. But passing from that topic he would ask the House what right they had, by passing a Resolution which was in opposition to the existing law, to enjoin the necessity of the attendance of a certain number of individuals at such institutions as the British Museum upon a Sunday? Let them suppose that some of the parties refused to obey, what then would be the consequence? Why, the House must, under those circumstances, either enforce the orders or remove from their situations the individuals who declined to obey it. It could hardly be supposed that the Archbishop of Canterbury or the Lord Chancellor, who were trustees of the Museum, would aid the House in enforcing an order which was contrary to law; and if the latter alternative were urged, and the person refusing to obey the order should be dismissed, the result would be that he would be regarded as a martyr, and a feeling of opposition to the Legislature would be excited throughout the country generally, which would tend to bring upon it the contempt of the public at large. These being his sentiments upon the subject, he should vote against the Resolution.

Mr. W. J. FOX said, that after the admirable speech of the noble Lord the Member for King's Lynn, he would not have intruded upon the attention of the House at that late hour, but that he considered some remarks had been made in the course of the debate which ought not to go forth to the world unanswered. The supporters of this Motion had been represented as being animated by a sordid desire to extend the hours of labour and grind down the operative classes; but surely when the hon. Seconder of the Motion had been distinguished for his liberal treatment of those in his employment, and when other advocates of the Resolution had only the other night recorded their votes in favour of the protection of the working classes from excessive labour to a degree which the majority of the House thought too far for legislative enactment to go, accusations of this kind were the last that should be preferred against them. The right hon. Gentleman who spoke last told them of the generous intentions of the trustees of the British Museum for the accommodation of the working classes; but the proposer of the Amendment argued upon an assumption which was both a fallacy and a mockery—namely, that Saturday and Monday would be convenient days for this portion of the people to visit that institution. Why, this Motion was only brought forward after repeated attempts had been unsuccessfully made to have the Museum opened in the evening, that those whose occupations prevented them from frequenting it in the daytime might enjoy that privilege during their only hour of leisure. The noble Lord the Member for Woodstock (the Marquess of Blandford) rested his argument on the experience already acquired of the working of the Beer Bill, but if he had examined the returns from the Duchy of Lancaster he would have found that, although the amount of Sunday drunkenness might, perhaps, have diminished there under the operation of that measure, yet that the aggregate amount of drunkenness spread over the whole week had rather increased. Moreover, that Bill checked the disposition of the people to make Sunday excursions, because it told them that if they went into the country on that day they could not obtain the refreshments they required; but surely if they were to be precluded from enjoying the grand and lovely scenes of nature, they ought not to be denied the other alternative of access to those marvels of antiquity and of art which they could find at home. It was greatly to be regretted that the debate had taken so much of a theological turn—a thing totally unnecessary and very undesirable, because the first four or five speeches that had been made had developed as many different theories relative to the due observance of the Lord's day. An assembly like that, embodying so great a diversity of religious doctrine and opinion, was not a fit body to argue a question on peculiarly theological grounds. The Motion did not necessarily involve such a discussion—indeed, it was only introduced to assert the assumed right of one man to impose his own theology upon another. The real question was chiefly one of property. The British Museum and the National Gallery were national institutions, and enriched by liberal donations of the public money—they were the people's collections and the people's treasuries of art, and yet they locked their doors against their rightful owners and contributors on the Sunday. The right hon. Gentleman (Mr. Goulburn) said that the people of Manchester and Liverpool could not be prevented from going to see collections of living animals if this Motion were adopted for London; but did he forget that a man might now see as many living specimens of wild beasts of different countries as he pleased in that metropolis on a Sunday, if he were only rich enough to pay twenty guineas as an entrance fee and a five guinea annual subscription. It was contended that there was no gradation in the desecration of the Sabbath; but what must be said of this general practice, which was now tolerated and patronised by the aristocracy? It had been continually assumed in the discussion of this question that there was some divine law enjoining the strict observance of the Sabbath, which was contended for. That, however, was a matter of opinion. Sabbatarianism, in the modern sense of the word, never had been a doctrine of the universal Christian Church. It was never a doctrine of the early Christians, of the Roman Catholic Church, or of the first Protestants. Luther exhorted—nay, even commanded his followers, if any one attempted to impose such a law on them, to walk, to ride, to dance, and to hunt, and to do anything on the Sabbath. Calvin, Cranmer, and most of the celebrated teachers of the early Protestant Church, condemned the doctrine. The noble Lord the Member for King's Lynn had spoken of the natural tendency of the objects which it was now sought to admit the working classes to visit on the Sabbath, to elevate the religious feelings and associations of the people; and that it was so was evident from the fact that all religious bodies to the extent of their ability had availed themselves of associations similar to those produced by the great works of art and the curiosities of nature to awaken and keep alive religious feelings in the minds of their congregations. What Church was there which had not availed itself, so far as it could, of the splendours of sublime architecture, and the power of statuary, painting, or music? He agreed with the right hon. Gentleman who had spoken last, that it would be well if some law could be passed to define what could and what could not be done on a Sunday. At present, the strict observance of the Sabbath, as contended for by the extreme party, was notoriously set at nought in all classes of the community, and perhaps most of all by the rich. They were asked what would be the outcry through the country, if a porter of the British Museum suffered martyrdom for refusing to do his work on the Sunday. But it was forgotten that, even at the present time, if such dismissal could be called martyrdom, the porter of a gentleman's house might suffer martyrdom for not working on a Sunday. A rich man, by his Sunday wants, set at least ten persons to work, and the British Museum could be opened without imposing labour on any greater number, and that not for the enjoyment and accommodation of one man, but for the recreation and instruction of thousands. It certainly was discreditable to see useful reforms of this nature opposed and defeated by prejudice, ignorance, and intolerance, acting under the disguise of religious feeling.

VISCOUNT PALMERSTON: The House, I think, Sir, has pretty well made up its mind how to vote upon these two Motions, but I wish shortly to state the grounds upon which I shall feel it necessary to vote against both. In the first place, this mode of putting questions before the House, of proposing Motions in the shape of abstract Resolutions (though certainly in this case there might have been a difficulty in placing the question directly before the House), is not one which it is desirable should be generally adopted. Without, however, entering into the theological discussion which has been raised to-night, we must all agree that the respectful observance of the Sabbath is a principle which it is highly desirable and necessary to encourage. We must all admit, too, that in proportion as that observance prevails, we may expect to see the people of a country moral and well educated, and in proportion, on the contrary, as it is treated with disrespect, we may expect to see the conduct of the people such as we should not desire it to be. My opinion is that Sunday ought to be a day of rest, of devotion, and of cheerful and innocent recreation. To enforce that strict observance of Sunday for which some persons contend is obviously impossible. That no work should be done on Sunday would stop the whole movement of social existence; but it is impossible for any law to define—and I think it would be inexpedient for Parliament to attempt to pass such a law—the precise degree to which that principle may properly be carried. That must be left to the conscience of each individual. Each man must be left to determine, according to his own position and circumstances, to what degree he can combine the ordinary and necessary occupations of life with what he considers the proper observance of Sunday. But when a matter is brought before Parliament in regard to which the religious feelings of a great portion of the community are deeply affected, it is highly inexpedient that Parliament should by any vote set itself in opposition to that which is the religious feeling of the people. I think Parliament would be doing an injudicious act if, by any vote of its own, or or by any Resolution, it should lead the country to think that it is less mindful of those religious principles which ought to govern the conduct of all men than the great mass of the community themselves are. For these reasons, thinking that the Resolution of the hon. Member for Leicester would do violence to the feelings of a large portion of the community—feelings which we are bound to respect, and which it is highly desirable studiously to encourage—I shall give my opposition to the original Motion. To the Amendment of the hon. Member for Southwark I shall object, not, of course, on the same grounds as to the original Motion, but for the technical reasons urged by my right hon. Friend (Mr. Goulburn), that the opening of the Museum and the National Gallery on the Saturday as well as on the Monday would allow of no opportunity for keeping those buildings clean and in proper order.

MR. BARROW said, he must beg to express the satisfaction with which he had heard the statement of the right hon. Member for the University of Cambridge, that steps should be taken, if possible, to open the British Museum to the working classes on Saturdays.

SIR JOSHUA WALMSLEY said, he had brought forward the Motion believing it would be practically useful, but he had no wish to press it, finding the great majority of the House to be of a different opinion. He still believed that his views were in accordance with those of a large portion of the public, and if it were the wish of the House he was quite willing to go to a division. If his Motion were rejected at the present moment, he was sure it would ultimately be carried.

Question put:—

The House *divided*:—Ayes 48; Noes 235: Majority 187.

MR. APSLEY PELLATT said, that he would withdraw his Amendment in full confidence in the pledge which had been given by the right hon. Gentleman the Member for the University of Cambridge with respect to opening the British Museum on Saturday afternoon.

MR. GOULBURN said, he had not given any pledge. He had only promised that the subject should be carefully considered.

Words *added*:—Main Question, as amended, proposed, and, by leave, *withdrawn*.

PAYMENT OF WAGES—HOSIERY MANUFACTURE.

MR. PACKE said, he would now beg to move, that the Select Committee of last Session on Payment of Wages be reappointed to inquire as far as regards the Hosiery Manufacture.

MR. CRAUFURD said, this Motion

was an attempt to evade a former Resolution of the House, and he should therefore oppose it.

SIR HENRY HALFORD said, he was at a loss to know on what reasonable ground the appointment of this Committee could be opposed. All that was asked was that the subject should be inquired into, and he thought that demand ought to be granted.

MR. WILKINSON said, he objected to the appointment of the Committee altogether.

SIR GEORGE GREY said, he did not think that any further inquiry into this subject was necessary; but, since the House had referred it and the truck system to a Committee, and as that Committee, at the end of last Session, had recommended that they should be reappointed, he did not think it desirable to oppose the Motion.

MR. C. FORSTER said, he believed that questions of this nature could be better discussed in the House than before a Select Committee. Still, under the peculiar circumstances of the present case, he should support the Motion.

Motion *agreed to.*

The House adjourned at half after One o'clock till Thursday.

HOUSE OF LORDS,

Wednesday, March 21, 1855.

GENERAL FAST DAY.

The House adjourned during Pleasure, in order to proceed to the Abbey Church to solemnize this Day.

House resumed.

The Thanks of the House Ordered to be given to The Lord Bishop of Salisbury for the Sermon by him preached before the House this Day in the Abbey Church; and that he be desired to print and publish the same.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Wednesday, March 21, 1855.

GENERAL FAST DAY.

MR. SPEAKER and the Members met at the House to go to Church, being the day appointed by Her Majesty's Proclamation for a Fast, in respect of the War with Russia.

HOUSE OF LORDS,

Thursday, March 22, 1855.

THE PATRIOTIC FUND—THE CANADIAN INDIANS.

THE EARL OF ALBEMARLE said, he wished to put a question to the noble Earl the President of the Council, of which he had given him a very short notice. It was simply to ask whether Her Majesty's Ministers had received any communication from the Governor General of Canada relative to the contribution of certain tribes of native Indians in Canada towards the Patriotic Fund? Although great evils attended the war, thus much good was obtained, that it had created a generous sympathy among all classes of Her Majesty's subjects in the most remote parts of Her Majesty's widely-extended dominions; and of that no evidence could be greater than the fund to which he alluded—a fund which, under the heavy pressure of the public burdens, had yet risen to upwards of a million of money. The largeness of the sum proved how universal was the sympathy; but it was to the small fractions of it they must look for the intensity of that feeling. He would mention a case in our own country. In the London Reformatory for Adult Criminals the poor inmates wished to contribute something towards the fund. Having no money, they abstained totally from food for twenty-four hours, on a day when meat was allowed, and applied the proceeds to the purpose. It was in a kindred spirit that these poor Red Indians, from their wig-wams in the Far West, had contributed the enormous sum, to them, of 100*l.* He understood the meeting at which the contribution was made took place on the 4th of the month. He also understood that notice of it had been sent to the Governor General; and, as it was probable some intimation would reach the Home Secretary, he had ventured to put the question to his noble Friend. It was not a matter of much importance, or requiring the particular notice of their Lordships; but he was sure he needed no excuse for mentioning an admirable trait in the character of their fellow-subjects inhabiting the prairies of a distant continent.

EARL GRANVILLE said, he had not been able to obtain any sufficient information as to the facts mentioned by his noble Friend, but he would certainly endeavour to ascertain the circumstances which were so highly creditable to the inhabitants of the Far West.

THE LAW OF PARTNERSHIP—TEXTILE FABRICS—MANUFACTURE OF PAPER.

The Earl of DERBY said, that as he perceived there was other business before the House to-morrow, he would now put the question of which he had given notice to the President of the Board of Trade with regard to the intentions of the Government as to introducing any measure this Session for the amendment of the Law of Partnership, especially as to the question of limited liability. He wished to call the attention of their Lordships to the reason for which he put the question. He did not propose to enter into a discussion of the question on its merits, of the existing law of partnership, or of limited liability, or whether or not there could be any advantages to be derived from an alteration of the law; but his attention had been called to the subject by a particular case. Their Lordships were aware that at this time—especially if hostilities continued—that there was a prospect of a great deficiency of the arrivals of hemp and flax, and independently of the war there was now, and was likely to be, a deficiency of materials for the manufacture of paper. That was a growing evil, and the complaints appeared to be every day increasing. That being so, two propositions had been brought forward, by which it was proposed to meet these deficiencies. There was a Bill now before the other House of Parliament for incorporating a company for the manufacture of paper from flax straw, of which he (the Earl of Derby) knew nothing more than what he had seen in the public papers. But the undertaking to which he wished to call the attention of the noble Lord (Lord Stanley of Alderley) was of a different nature, and more extensive in its proposed operations. It was a proposal not only for the manufacture of paper, but of textile fabrics, employing as a substitute for hemp the fibres of various plants indigenous to the West Indies. It had been undertaken by a Mr. Sharpe, a brother of the well-known steam machine maker at Manchester, who had entered into arrangements for the making of paper and textile fabrics of various kinds from the fibres of plants found in the West Indies, such as the plantain, the aloe, and others, which grow in vast abundance, and which were utterly valueless at the present moment. He had now before him samples of the fibres and some small specimens of the textile fabrics, and the paper manufactured from them, which he should be very happy to show their Lordships. [The noble Earl here handed some specimens across the table to the Marquess of Lansdowne, which were afterwards examined with interest by other Peers. They consisted of the following articles: A specimen of the fibre of the plantain (*Musa Paradisiaca*), and a specimen of a textile fabric, of silky appearance, manufactured from the fibre; a specimen of the fibre of the *Hibiscus Esculentus* (Okhro); a specimen from the seed pod of the *Cryptostegia Grandiflora*, suitable for indiarubber withe. The body of the plant yields gum caoutchouc, and the bark of the branches a fine fibre. Also, two specimens of paper made from the plantain fibre; one specimen rough and unbleached, to show the great strength and tenacity of the fibre, and another spemen of very good quality, bleached and carried through all the operations for the best paper.] There were in the hands of the noble Marquess two descriptions of paper, one unbleached and the other a finer sort, which was as good as any which could be made from any other material; and he was told that paper could be supplied, made from this material, much cheaper than paper of a corresponding quality made from rags. An immense abundance of this material could be produced, which was a very material element in the question. He wished only to mention that on one estate in Demerara no less than 160,000 plantain trees were cut down every year, the trees going to waste, as they were cut down only for the purpose of getting at the fruit, and this wasted material contained 250 tons of fibre, capable of being manufactured into paper such as the noble Marquess had in his hand. All those products of the West Indies were capable of being converted either into textile fabrics, or rope of more or less tenacity, or paper. For this manufacture a patent had been already taken out in this country, and applications had been made to the Legislatures of Jamaica and British Guiana on the subject, and had been received in so friendly a spirit in the two colonies that the invention had been the subject of particular notice in the speeches of the Governors in opening the Legislatures; and Committees of both Houses in the two colonies having been appointed to examine into the matter and reported, enactments were passed facilitating the export of the material; and, moreover, the fees and costs of introducing the Bills had been ordered to be paid at the public expense. That being so, if you could promote a manufacture which would demand from the West Indies material to an inexhaustible amount, to meet the demand for the manufacture of textile fabrics, and paper superior to that produced from rags, and if those articles could be produced in colonies which were in a condition of distress, and thus be the means of raising an entirely new species of industry in those colonies, he thought it was a question of no ordinary importance, and demanded the attention of the Government at home in the same way that it demanded that of the Government of those colonies themselves. That was the particular case which had brought the consideration of this question of the law of partnership before him. It appeared that the gentlemen who had taken up this invention having laid out a sum of money, and purchased estates in the West Indies for growing the raw material, had applied to the Queen in Council, in July last, for a charter; and, having been referred to the Board of Trade, was directed to take certain steps to bring their petition before the Board of Trade. They did so in August last; but it was not until October that they were informed by Mr. Cardwell that the Government had determined not to grant any charter for any undertaking, as in the present Session an alteration would be made in the law affecting partnership. A great deal, no doubt, might be said in condemnation of the indiscriminate adoption of the principle of limited liability, and he (the Earl of Derby) would not say whether that was right or wrong; but he was sure that a great deal might be said against the principle of the law of England as it at present existed in reference to limited liability in every case, and much more might be said against the power possessed by the Government to decide in what cases exceptions should be made to the law of limited liability. In cases of the kind he had mentioned, and there might be many others, it was impossible to carry out enterprises to the extent to which they might be carried by private capital only, if every one engaged in them was liable to the full amount of his property, whatever it might be. Whether the law of limited liability was right or not, the state of things was much worse when, the existing law having been condemned, and a new one was about to be introduced, the power of deciding what cases should be exceptional was refused to be exercised, and the existing law rigidly carried out. The President of the Board of Trade said that principle had been adopted by the Board for a year and a half. He (the Earl of Derby) thought the noble Lord was mistaken, and that some charter had been granted in that time; but if for a year and a half the department of the Board of Trade had not exercised its power of deviation from the law, this was a very important reason for urging the immediate consideration of the present state of the law. Under these circumstances he thought that, as the application for a charter had been refused in October, he was not unreasonable if, in March, he put a question to the President of the Board of Trade and inquired whether it was the intention of Her Majesty's Government to introduce any measure for the Amendment of the Law of Partnership, more especially as to the Question of Limited Liability; and if so, at what time?

LORD STANLEY OF ALDERLEY said, he did not, for a moment, call in question the propriety of the inquiry of the noble Earl, and he had to state, in reply, that a Bill on the subject of the law of partnership was in preparation, which he thought would remove many of the difficulties incident to the existing law. The Bill would be brought in as soon as possible; but as to the period of the Session at which it would be introduced, he had to say that it would not be brought in before Easter, but very shortly afterwards. With regard to the particular case which had called the attention of the noble Earl to the state of the law, he wished to say a few words, in order to show that the Board of Trade was not culpable in this instance. The custom with regard to the application for charters for the colonies was to send them to the Colonial Office, where, if it was stated that there was no objection to them, they were granted at once; otherwise they were sent out and submitted to the Legislature of the colonies concerned, to decide whether they were expedient or not; and if they reported that they were expedient, the charters were then granted. With regard to this case that course was not taken, as the charter asked for large powers to take land in any colony. If it had been confined to any given colonies, such as Jamaica and Demerara, the charter would have been transmitted to the Legislatures there; and if they had been as favourable to it as had been stated by the noble Earl, it would have been granted.

THE EARL OF DERBY said, that as regarded the particular case he had mentioned, the answer of the noble Lord was satisfactory. But he could not say that the answer with regard to the general question was equally satisfactory, for if the question of the law of partnership had been under consideration for a year and a half, and a charter asked for in October last was refused by the Board of Trade, and yet that a measure was not to be brought on before Easter, it was not satisfactory, because it was probable that such a Bill would not, in that case, be passed this Session.

LORD REDESDALE said, the subject had been brought under his notice, as he had examined a private Bill relating to it; and he wished to point out that the object of these parties was to have large establishments all over England and buy up all the patents they could obtain. It was obvious that if they accomplished their object of obtaining an exclusive use of all the patents every grower of flax or other fibre must be in their power, and therefore he hoped that, whatever alteration might be made in the law of limited liability, no alteration would be made in the patent law, which prohibited the assignment of a patent to more than a certain number of individuals.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, March 22, 1855.

The House met, and Forty Members not being present at Four o'clock, Mr. SPEAKER adjourned the House till To-morrow.

HOUSE OF LORDS,

Friday, March 23, 1855.

MESSAGE FROM THE QUEEN—MILITARY CONVENTION WITH SARDINIA.

Message from THE QUEEN *delivered* by The Lord President, and read by the Lord Chancellor, as follows—

"VICTORIA R.

"Her Majesty thinks it right to acquaint the House of Lords, that She has concluded, in concert with His Majesty The Emperor of the French, a Military Convention with His Majesty The King of Sardinia, whereby His Majesty The King of Sardinia engages to furnish and keep up for the Requirements of the present War a Body of Fifteen thousand Men, organised as is therein stipulated; and with a View to facilitate the Execution of the said Military Convention, Her Majesty has, by a supplementary Convention, concluded with His Majesty The King of Sardinia, undertaken to recommend to Her Parliament to enable Her to advance, by way of Loan to His Majesty The King of Sardinia, the Sum of One Million Pounds Sterling, of which Sum Five hundred thousand Pounds Sterling shall be paid by Her Majesty as soon as possible after the Assent of Her Parliament shall have been given thereto, and the remaining Five hundred thousand Pounds at the Expiration of Six Months after Payment of the first Sum:

"Her Majesty has further engaged to recommend to Her Parliament, to enable Her, if the War should not have been brought to a close at the Expiration of Twelve Months after Payment of the first Instalment of the above-mentioned Loan, to advance to His Majesty The King of Sardinia in the same Proportions a like Sum of One Million of Pounds Sterling:

"The Government of His Majesty The King of Sardinia undertakes to pay Interest on such Loan or Loans at the Rate of Four per Cent per Annum, of which One per Cent per Annum shall be for a sinking Fund; the said Interest to be calculated and payable in the Manner in the said Convention stipulated:

"Her Majesty had directed a Copy of these Conventions to be laid before the House of Lords; and She relies on the Zeal and public Spirit of the House of Lords to concur in enabling Her to make good the Engagements which She has contracted with Her Ally:

"V.R."

Ordered—That the said Message be taken into Consideration on *Monday* next.

THE MILITIA.

THE EARL OF MALMESBURY said, he wished to ask the noble Lord the Secretary for War whether he had received any opinion from the law officers of the Crown with respect to a point which had been discussed in the House the other night—namely, whether militiamen enlisted under the Act of 1852 were legally bound to serve under the Act of 1854, under which the militia was to be embodied for five years, although they had not been re-attested under the latter Bill?

LORD PANMURE: In reply to the question of the noble Earl, I beg to state that since the discussion took place in this House with reference to the militia, I have learned by experience how dangerous it is to discuss in this House matters affecting the rights of soldiers, which may be the means of exciting in their minds an unwarranted impression with respect to the rights which they can fairly claim. Now, that has been the case in the present instance, and very great inconvenience has thus arisen; inasmuch as, immediately after the debate in this House was made public, the soldiers in several militia regiments—whether acting on their own views of the matter, or whether on the suggestions of others, I cannot say—but the soldiers of several militia regiments absolutely declined, on being called out, to serve any further, and, in fact, laid down their arms; and many of them refused to be obedient to discipline any longer. I must, however, do those men the justice to add, that immediately on remonstrances being addressed to them by their commanding officers, and the impropriety of the course they had taken being pointed out to them, they resumed their duties, and agreed to wait for further instructions from the Government. I never had any doubt myself that, as the law stands, no militiaman who was enrolled under the Act of 1852 had any claim whatever to be exempted from the embodied service required by the Act of 1854; and I have been assured by the highest legal authority which it was in my power to consult, that every militiaman now serving under the Act of 1854, whether enrolled in 1852 or in 1853, or subsequently to the passing of the Act of 1854, is legally compellable by law to serve in the embodied militia. That is, distinctly and unequivocally, the effect of the law as it now stands. But there is another point which was mooted the other night for our consideration. It was stated that when the Act of 1854 was passed by Parliament, a pledge was given and an understanding come to that the men who had been enrolled in 1852 were to have the option of being attested or not for service under that Act. Now, if any such engagement was entered into, I am one of those who think that, whether it was right or wrong, prudent or imprudent, that should it have been contracted on the part of the Government with the soldier, it ought to be religiously observed. It is my duty, therefore, when the men of the militia obey their commanding officers, and submit to the law as it stands, to ascertain how far that engagement has been made, and to keep it on the part of Her Majesty's Government.

The Earl of MALMESBURY said, he entirely agreed with the noble Lord in the abstract principle that it was inconvenient to have discussions in that House affecting the discipline of our soldiers. But he could not regret that this subject had been brought under their notice last year and upon a recent occasion; because the first object of every one must be to see that justice should be done to the soldiers of this country, and that any point upon which doubts existed should be clearly ascertained. It now appeared, from the opinion given by the law advisers of the Crown, that the men enrolled in 1852 and 1853 were legally bound to serve in the embodied militia. Those men must, therefore, clearly understand what their duty was, and would, he believed, faithfully discharge it; and he was on that account heartily glad that the discussion of this question had been raised.

Lord PANMURE said, he ought to state that he had ordered a circular to be addressed to the colonels of militia regiments and the lords lieutenant of counties, requesting them to make known to the men of those regiments the facts of the case as he had just explained them.

Earl GREY agreed with the noble Earl (the Earl of Malmesbury) that great advantages had followed from the public discussion of this question, for nothing was more calculated to injure the militia and the army than the impression that justice and good faith had not been observed towards them. In this case there was no doubt as to what good faith and justice required. The militiamen in question had been enrolled under particular Acts of Parliament, and they had a right to think that their obligation to serve was strictly limited by those Acts; yet, without their consent, another Act of Parliament had been passed, altering the terms of their agreement. He took objection at the time to the obvious injustice of the proceeding; and he was distinctly told in answer that any injustice would be remedied, because no man who had been enrolled under the former law would be required to incur more onerous obligations than he had formerly taken upon himself. He thought there had been great negligence on the part of the Government of that day in not doing what the noble Lord had now done; for they ought to have issued a circular to lords lieutenant and colonels of militia regiments, informing them that the men could not be called upon to serve without their consent beyond what they had agreed to. What had occurred would, he hoped, be a caution to their Lordships, and to the other House of Parliament, never to consent to an Act of Parliament under which injustice might be done to the troops, from any assurance on the part of the Government that that power should not be abused, and to take care that in cases like the present a clause should be put in to prevent the Act from being retrospective. This was the moral to be drawn from the former discussion, and not that it had been inconvenient to the public service.

Lord BROUGHAM was rejoiced that this matter had been set right, and had only one word to add to the proposition of the noble Earl (Earl Grey). He wished to make it more general, and to say that, not only should no act of Parliament be passed on the understanding that some other Act should be afterwards passed, in which the military were concerned, but that this should be the general rule in legislative proceedings.

Lord BATEMAN said, before this matter was closed, he wished to put a question to the Secretary for War. He wished to know if by chance any man in a regiment resisted being re-attested, he was liable to be retained in the service.

Lord PANMURE said, that if the regiment was embodied by the law as it stood, every man was compelled to serve.

Earl GREY said, if he understood the noble Lord (Lord Panmure) he had given an engagement that the men enlisted before 1854 might be relieved from a greater service than that for which they had voluntarily enlisted.

Lord PANMURE: I said that all engagements made with the militiamen enlisted in 1852 would be religiously kept.

Earl GREY was sorry he had misunderstood his noble Friend. His belief was that no man under the Act of 1852 could be required to serve more than fifty-six days in the year, except in case of invasion, and the colonels had got many of them to volunteer on the faith of that pledge. He stated when the Act of 1854 was brought in that it was unjust to alter the terms of the engagements of those men who had voluntarily enlisted; but he was assured that the power would not be used, and he withdrew his opposition to the Bill. He now regretted that he had not pressed the insertion of a clause providing that no man enlisted under the Act of 1852 should be called on to perform any other service than that which they had then voluntarily undertaken. He begged now to ask his noble Friend whether or not he had made it known that any man who had been enrolled under the first Act, if unwilling to renew his engagement of service, should have his discharge or leave of absence, so that no greater amount of service should be extorted from him than such as he had voluntarily engaged to perform.

Lord PANMURE said, that he had stated that he would adopt whatever means seemed to him right to keep faith with the militiamen, but he did not say whether it should be by leave of absence or discharge. He had said distinctly that he would keep faith with the men, and that he would not require from them more service than they had engaged to perform; but with reference to the exact means to be adopted, he must refrain from stating them. He pledged himself to keep faith with the men.

CRIMINAL LAW PROCEDURE—RESOLUTIONS.

Lord BROUGHAM:* My Lords, I rise according to my notice to bring before your Lordships the Criminal Procedure of this Country by the Law and Practice of England. The subject is of great extent, and of vast importance; and if it was of equal difficulty, unable to grapple with it, I should shrink from handling it; but unhappily the defects of the system are so obvious, lying so near the surface, and in their consequences so widely felt, that their description is easy, though I must confess that for some of them at least it may be hard to find a remedy free from all objection. Until, however, we have carefully examined the whole, it would be rash to pronounce that in any case, the evils complained of are remediless; and that the more grievous defects can be removed seems unquestionable. I proceed then, at once, to deal with the whole subject in the order described when I gave my notice a fortnight ago.

And first of all, and in the outset, I will say that I confine myself to procedure, leaving untouched the defects in the Criminal Law itself, and only asking you to consider the manner in which, as at present established, it is administered or carried into execution; although I must own that one's forbearance is taxed a little high in thus passing by defects so glaring, as every day's experience exemplifies; defects too, which trench so nearly upon procedure, that it is difficult to keep the discussion of them apart from my present subject. Thus to say nothing of such grave offences as formed the subject matter of my learned Friend Mr. Bowyer's Bill last Session, approved as regards its principle by the Lord Chief Justice—acts morally criminal, but only in law treated as civil injuries—what shall be said of those gross cases of fraud, and those scandalous instances of breach of trust so frequently brought before our courts, but only the courts of civil jurisdiction—such cases as we tried on appeal from Ireland in this House on a somewhat remarkable day, the morning after the Reform Bill was rejected, October 1831, when with Lord Plunket and Lord Radnor, I sat to hear the story of a fraud as gross as ever was perpetrated, by which a reverend gentleman was deprived of a large fortune, and the perpetrator of the crime removed its fruits beyond our jurisdiction, so that the injured party has never yet been able to recover the property adjudged to be his by our clear and unhesitating decision,—or such a case, if possible more flagrant, as I grieve to say, a not undistinguished member of our profession exhibited, when guardian of two orphans, he spent the whole of their patrimony in riotous living, and dying insolvent, left these two female wards upon the parish?—These are surely crimes of the blackest dye, and yet in law they are only regarded as constituting debts for which the party may sue if he can, but which the public has no right to complain of, or the magistrate to punish. Such cases approach the boundary which separates the Criminal Law from Criminal Procedure, and they affect our feelings of justice strongly; but I make an effort, and abstain from dealing with them, that I may bring my observations within narrower bounds; and I therefore come to the first stage of procedure—the ascertaining of the offence and the securing of the offender, in order to his trial; in a word the department of police—to which I begin with asking your Lordships' attention.

The first object that meets our eye in this survey is the court of the police, especially the metropolitan police magistrate, because the name seems to connect it with the subject. It is, however, a great misnomer. It has been remarked by one of the able and learned persons who preside at these courts, that this reminds us of Voltaire's remark on the name, Holy Roman Empire, which is neither holy, nor Roman, nor Empire. So these functionaries are not metropolitan, because they are expressly shut out from all jurisdiction in the City of London; they are not police, for they have nothing to do with police, except, indeed, to stand between the community and any policeman who may abuse their powers, as they protect against any other wrong-doers; and they are not magistrates, properly speaking, because that means an unpaid justice, and these gentlemen are all stipendiary. True, this is only a question of a name, but words oftentimes have the force of things, and I object to this false appellation given by common parlance, as I do to the equally false name of Small Debt Courts, given by the Statutes to our local judicatures. I object in both instances to a misnomer which tends to lower in public stimation a most important tribunal. It would be difficult to estimate too highly the value of these Criminal Courts. Beside many branches of jurisdiction, as in revenue cases, and some in civil matters, they have the power of summary conviction in a large class of cases connected with violence; but their principal function is that of preparatory inquiry, of examining the evidence to support charges brought before them; and this they do according to the strict rules of evidence, which the Coroner is not bound by, because he is to ascertain not only the *corpus delicti*, that the offence has been committed, but who is probably the offender; and hence I may observe in passing, two evils connected with this important officer's proceedings: first, that they are in public, as well as behind the backs of those suspected; and next, that there is no power of holding to bail when a warrant is executed. The police magistrate, on the other hand, does always, as the committing magistrate everywhere ought to do, guide himself by the rules of evidence, and also examines any witnesses whom the person charged may bring forward in his own behalf. In short, it is a much more satisfactory inquiry in all respects than that before a grand jury. Some defects there are. It appears to me that since the County Courts have been established, from all the civil jurisdiction, as in ejectments and other cases of small amount, the Police Courts should be relieved, by this jurisdiction being transferred, or rather confined, to the County Courts, for it is concurrent; but confined it cannot now be, in consequence of the greater expense of proceedings in those courts, arising almost entirely from the taxes still levied on them against all principle. This it is that drives much business of a civil description into the police courts. Another defect arises from the power to discharge upon the party's own recognisance, without bail being confined, when our Petty Offence Bill shall pass, to the small felonies within its provisions; whereas it should be given generally, wherever the magistrate can take bail, and should be given to the Coroner in cases of manslaughter. There is no risk whatever attending the extension of this discretion. It would only be exercised in the instance of poor people unable to find bail; and they are not at all prone to fly. The offence must be of a grave nature to make them choose perpetual exile rather than stand their trial; exile, which among our northern neighbours, is a punishment of many offences on conviction; sometimes banishment from the realm, but sometimes also from the burgh or county only. A poor man's whole scheme of life is deranged by it, and his means of livelihood destroyed, even if he has the power of transferring his family, and if the loss of his country cannot affect him. It accordingly appears that the instances are exceedingly rare of persons escaping to avoid trial. Professional friends, and others conversant with police proceedings, have assured me, that such a thing hardly ever happens, where the offence is not grave, but of such nature that the discretion would be used for which I contend, as avoiding the necessity of unnecessary imprisonment, with all its evils, both to the family of the party, to his own habits, and to his character, from the contamination of the gaol. One great benefit of these magistrates arises, not from their control over the police, but from their standing, as it were, between the lower orders and that force. Useful as is our metropolitan police, and meritorious as its members very generally are, there can be no doubt that occasions sometimes arise, when authority to be exercised with a somewhat large discretion, and exercised at all hours, and in all seasons, may be abused. But the speedy recourse which is required to the magistrate, and the expectation of his interference, tends greatly to prevent this abuse. That the number of stipendiary magistrates should be increased, seems to follow from all we are considering in their praise. Far be it from me to undervalue the services of the unpaid justices, especially in country districts and small towns. But surely there ought to be in all the larger towns a sufficient number of such magistrates as are found necessary in Middlesex and the adjacent districts, and for the very same reasons on which that necessity is founded, and is admitted.—There are at present not above seven or eight; and in Middlesex twenty-three, holding eleven courts.

But the establishment of a regular police everywhere is now allowed by all to be of absolute necessity; and I believe I only speak the sense of all your Lordships when I express my great regret that the Bill last year introduced by my noble Friend now at the head of the Government, and then Home Secretary, was not suffered to pass. As to some of its provisions doubts might reasonably be entertained; but its principle has received the assent of all who have carefully considered the subject, and who are alive to the incalculable importance of having such a constabulary force for the county districts, and smaller towns as may suffice to keep the peace, to awe offenders, to prevent them from pursuing their evil courses, and to secure their being brought to justice. My noble Friend deserved the greatest praise for his exertions in preparing that measure, and he was only defeated by the clamours which the corporate bodies raised—clamours in which unincorporated towns joined, though they must have seen, as they were at the time plainly told and as I doubt not they have since experienced, that their bounds, unprotected by police, would assuredly become the refuge of malefactors from all parts where a police force existed. A regular force is absolutely necessary; but it appears to me equally expedient that there should also be a reserve force, of persons who do not quit their occupations, but only receive a certain moderate pay as a retainer, obliging them to muster a few days yearly for inspection and training, and liable in all emergencies to be called out. I say nothing of the great service which the recruiting of the army may derive from this force bearing to the regular constabulary the same relation that the local militia does to the regular; but its use in police service is incontestable. It would not only separate the disreputable classes from the bettermost folks, and thus restrain the former, but it would render riotous proceedings and other like outrages impossible, and would prevent such evils as we have lately seen to arise from the combinations called strikes, the source of such danger to the public peace; such loss to the manufacturing interest; above all, such cruel suffering to the labouring classes themselves; the dupes and tools of sordid agitators seeking their own power, and their own profit at the cost of the poor working men and their families. The illustrious man, whom we unhappily no longer have among us, was, I have reason to think, both from what passed in private and from some observations made in this House, much in favour of some such arrangement. My noble friends opposite, before they quitted office in 1852, had, I believe, nearly matured a plan of a kindred sort, for a reserve naval force. It has been strongly recommended by my Friend Mr. F. Hill, whose long services as prison inspector, have brought him much in communication with the police authorities in different parts, both of Scotland and England. In his admirable work on Crimes, he dwells much upon the subject, and shows incontestably how useful such a force would prove both in peace and war.

I cannot quit the subject of police without observing how important it is that there should be a uniform system of rules and regulations for that force all over the country. This principle appears to have received Legislative sanction; for in 1851 an Act was passed having this object principally in view, the 14 & 15 *Vict.* c. 55, which empowers the Secretary of State to make rules generally applicable for the payment of police expenses, compensations and rewards on detecting offences. It takes the power of making regulations from the Sessions, manifestly in order to secure the uniformity of the rules. It is a pity that beside empowering, the Act did not require the making of such rules by the Secretary of State; for though four years have elapsed, nothing has been done. I trust no further delay will occur, and I also venture to express a hope that another and similar provision of the same statute will be executed by the Quarter Sessions, the payment of the clerks of the peace by salary and not by fees. This power has in only one or two instances been exercised, and yet its existence is of absolute necessity. The taking of fees is attended with great irregularity and proportionate abuse. The difference in various counties is hardly to be believed. Thus taking the sum of the different fees to the clerk on commitment, fine, acquittal; we have for Durham, 3*l.*, Dorset, 4*l.* 10*s.*, Essex, 2*l.* 4*s.*; Havering atte Bower (a manor well known for its very peculiar customs, one of which is the right claimed by the Lord to appoint Justices) no less than 6*l.* 13*s.*; in the same manor the clerk has 3*l.* 10*s.* 10*d.* for an acquittal, while in Derbyshire only 1*l.* is paid—a difference of between three and fourfold. Such a fee, indeed, ought not to exist at all any where or to any amount. [Lord LYNDHURST: Clearly not!] But I am now only speaking of the great diversity in different counties of the fee for the same matter. It is certain that in some places the amount of fees received is 1,500*l.* a year; in some more, even above 2,000*l.*; but it is undeniable that in all cases the payment should be by salary, as the Act plainly intended it should, though the local authorities have thought fit to decide otherwise. Another power given them has been equally disregarded though coupled with a very plain indication of the Legislature's intention, I mean that of choosing for the exercise of their criminal jurisdiction the county court judge as the chairman of Sessions. In Ireland, the assistant barrister is universally so chosen by the magistrates; in England, there have been only one or two instances of it. I am quite sure that, in some cases, as I lately stated in this place, there cannot be more competent chairmen than the Sessions enjoy, such as my late Friend Lord Wharncliffe, in the West Riding, and my right hon. Friend (Sir J. Pakington), in Worcestershire. But, though it would be invidious to notice counties that do not possess the same great advantage, I believe it is the very general opinion both of the bar and of the community, that it would be highly beneficial to the administration of criminal justice, if the suggestion were oftener attended to which the county courts Acts have given; both the Bills that did not pass and the one that did, making the Judge qualified as a justice by virtue of his office. No one probably would wish to interfere with the chice of the Sessions, or to transfer their jurisdiction to another tribunal. But surely the justices ought to consider it as a relief if they can so easily obtain the aid of a learned and experienced person, one bred as a lawyer, and practised also in the performance of judicial duties. The prevention of mistakes would be one result of their taking the course in question; but it would be another advantage that the disputes of the bench with the bar would be wholly avoided, and the profession satisfied in all counties, as they have been in those of York and Worcester.

But I pass on to the other parts of this extensive subject after the commencement of procedure, with which I have hitherto been dealing. The offence having been traced, the offender or supposed offender tracked, and his person secured, proceedings must be taken for bringing him to trial. And here, if indeed we have not already in regard to the proceedings before commitment—at least, here we at once experience one of the greatest, if not the greatest defect of our system, the want of power in the executive government to provide for the execution of the law by putting the criminal procedure in motion. I believe, with the exception of America, if our kinsmen have carried over with them this fault in the English law, but certainly in no other country, is the criminal procedure left to shift for itself, its execution being everybody's business in theory, and so nobody's in fact. Rather than argue upon the evils that must inevitably ensue from the want of a public prosecutor, I will give some instances, and these by no means of rare occurrence, though those which I shall specify are more than ordinarily startling; I will give two of the guilty escaping; as many of the innocent being harassed in consequence, and altogether in consequence, of this defect. In the first class, let me mention that a wealthy tradesman at Plymouth, under the pressure of a temporary difficulty, forged a Bill for a large sum, expecting as such culprits generally do, that before it became due, he should be able to retire it; he was disappointed, and arrested. Some one was bound over to prosecute, that is, to give evidence; a true Bill was found, indeed there was not the shadow of a doubt in the case; and the trial came on; but no witness appeared. A poor man in these circumstances would have been certainly convicted, and as the law then stood, hanged. The rich man paid the 200*l.* on the recognisance, kept the witness out of the way, and was acquitted for want of a prosecutor. Again, a baronet in one of the midland counties, worthy baronet I cannot term him, fired a loaded musket at a rev. clergyman with whom he had some quarrel arising from bad neighbourship. The intercession of friends, or the kindness of his own nature withheld him from appearing, and the wrong-doer, who had really committed a capital felony, escaped unscathed; for by some other error, the crime was laid as a misdemeanor, and he was not even imprisoned a day. He was safe until he should make another murderous assault. But now see how also the innocent are harassed with imprisonment and prosecution. To say nothing of the case, lately stated to your Lordships, of the poor woman confined in Northampton gaol for some months upon a charge of manslaughter found to be utterly groundless as soon as the bill was preferred, the same learned Judge (Mr. Baron Alderson) not long ago presided at the Central Criminal Court, when the grand jury brought in a Bill for forgery of a will, a bill preferred by a disappointed legatee against the executor. There was an end of the case the instant the Judge saw the will, which the grand jury had never even desired to see when they put the party on his trial. But I recollect being counsel, one of the last times I ever attended the criminal court, for a gentleman of great property, and high respectability, a man of 10,000*l.* or 12,000*l.* a-year, who stood in the dock, and was arraigned for wilful murder, because the grand jury sagaciously deemed him criminally accountable for the neglect of one of his bailiffs, who had thrown a rope across a road that was under repair, and forgot to put a lantern upon it, so that unfortunately a woman coming from market was thrown from her cart and broke her neck. The instant that Mr. Baron Wood heard the case opened he directed an acquittal of course, and desired the officer of the court to summon the grand jury into his presence. They were discharged; and his Lordship said, "I am extremely sorry for it; this is a most shameful case." The jury were not even rebuked; but, had they been so, the censure would have fallen exceedingly light, because no one could possibly tell which of them had agreed in finding the bill. Here, however, was this respectable man, who had held up an arraigned hand in the dock with felons, and who went down to the grave with the stigma, which any spiteful neighbour, or adversary at an election, or in the heat of religious controversy, (for he was a Roman Catholic) could fling in his teeth that he had once stood his trial for murder. I will venture most confidently to affirm, that even in the most bitter state of parties, even in the most violent times of faction, no public prosecutor would have dared to put Mr. Blundell upon his trial for the carelessness of his servant. I am old enough, unhappily, to recollect, the violence of party at its height, the violence of principles exasperated by alarm, the proverbially fatal combination of anger and fear. I remember the sedition trials of 1793 in Scotland, at Edinburgh and Dundee, the treason trials of 1794 at the Old Bailey; but I will most confidently assert that neither the Lord Advocate in the one country, nor any known individual minister in the other would have, I will not say dared—but would ever have dreamt—of prosecuting the Lancashire Catholic. The grand jury may have felt the same anger and the same alarm, but they could safely give way to its impulse; their whole proceedings were shrouded in darkness; they were, to all intents and purposes, a concealed, an unknown, an absolutely irresponsible prosecutor. Had I argued by the hour to show the evils, the grievous mischiefs of our defective system, I could never have hoped to prove more effectually than the recital of these instances have enabled me to do, how little security that system affords on the one hand of the law being executed against the guilty, how little safeguard on the other against its being grossly abused to the injury of the innocent. Such instances may be rare; but they should be impossible. Their bare possibility at once condemns the system.

In truth, this plan of leaving the execution of the laws to the party injured alone—for I object not to it, if combined with a responsible functionary—comes down to us from very ancient and very barbarous times. It grew out of the irrational laws and customs of the dark ages. It is the relic of days when the great body of the people were held in property as slaves by a few landowners; when one class of the community was privileged from capital punishment because capable of reading; when men were tried not by the evidence of witnesses, but by the belief of their adherents, ignorant of the whole matter, or by their own skill and courage in single combat; nay, when trial by jury had not yet superseded the ordeal of fire and water. In those dismal times, all crimes could be compounded by the payment of a sum of money, or a number of beasts while money was not yet known; every man's head being valued at a certain price—his Weregeld, as the Saxon called it, his Eric, as the Celt had it—from the sovereign down to the peasant. Nothing was deemed to deserve consideration but the estimated loss of the injured party or his family; and the public interest in the peace being preserved, and crimes prevented, never entered into any one's contemplation. Assuredly, if the practice loses itself in the mists of remote antiquity, it cannot be deemed to claim our respect from its honourable descent. But let us see how it works; how far prosecutions by a competent and a responsible officer are more likely to be carefully conducted, and to ensure conviction, than when left to any one that chooses to undertake them, and to the majority of the grand jury, unknown and irresponsible. In Scotland the Lord Advocate is at the head of the procedure for executing the criminal law; he has his deputies on the several circuits, and there is a local prosecutor, the Procurator Fiscal (deriving his name, I suppose, from *advocatus fisci* of the civil law) and acting in each county and each large town. Now look at the results of the two systems, as shown in the escape of the guilty, or at least in the comparative numbers of acquittals. I take the returns for the year 1853 as the last we have; but there is no material difference in the proportions of other years. The number of commitments for England and Wales was 27,057; of persons tried, 25,585, there having been 1,472 discharged. Of those tried, 4,793 were acquitted, including those against whom the grand jury threw out the bills; that is to say, the acquittals were between one-fifth or one-sixth of those tried. In Scotland, for the same year, the commitments were 3,756, the persons tried 3,139, the acquittals 279, or between one-eleventh and one-twelfth. Thus the acquittals are twice as numerous in England; clearly showing the difference between proceedings instituted and conducted by experienced, responsible, professional men, and those left to private individuals.

No one wishes, I believe, to see grand juries dispensed with, although in many cases they might safely be, were there in every case a public prosecutor. Of grand juries we have the praises of that extensive dealer in panegyric, Mr. Justice Blackstone, who extols the "excellent forecast of our ancestors," in providing this additional safeguard for the people against the oppression of the Crown; and certainly, as to prosecutions for political offences, there is the greatest reason to coincide with the opinion of the learned commentator. It must, however, be admitted, that even in the case of political offences, the prevalence of party feeling in troublous times is too likely to warp the grand jury, while the official prosecutor, though under the same influence, is also under the check of responsibility, to which the unknown majority of the grand jury is never subject. In the times of excitement and alarm to which I have already referred, I believe I may assert that a grand jury would have been quite as ready to find bills for sedition and treason as the Lord Advocate in Scotland to prosecute; and the Attorney General in England found no difficulty in having the bills found, which led to the famous acquittals at the Old Bailey. But the "excellent forecast" which Blackstone praises was somewhat deficient in discrimination when it left all offences whatever subject to the same most imperfect and unsatisfactory inquiry, and provided no means of securing either soundness of principle or uniformity of practice. Not only is the investigation wholly *ex-parte*, and the tribunal entirely at the mercy of the person preferring the bill, producing whatever witnesses he pleases, and withholding what he desires to conceal, thus making the jury a mere tool in his hands—but the body is of a different construction in different places, local Acts of Parliament in some counties, as Yorkshire, requiring that only freeholders shall serve. The practice also varies. Of course we know not with any particularity what passes within the grand jury room; but from time to time, without any breach of the oath of secrecy, the fact pierces to the public that extreme latitude has been given to the stories of witnesses, and strange notions of evidence have prevailed. Thus it appeared before the learned Judge who heard one case at the Central Criminal Court, that no one had even thought of asking to see the instrument alleged to have been forged. In another case of a noble friend of ours put on his trial for a conspiracy in South America, no one thought of asking the prosecutor when he was examined, what had been his connection with the defendant, else it would have been found that he owed him from 3,000*l.* to 4,000*l.*, and had prosecuted him because he could not obtain a longer accommodation. Then it was only discovered in 1815, that in all Ireland, except one or two counties, the grand juries never in criminal cases thought of examining any witness at all. The civil business there, as we all know, is most closely attended to. The landowners flock to the assizes from all parts, when the presentments are to be made; and extreme care is taken in this financial operation. That the judicial functions are also well performed I cannot doubt; only they appear to have been guided by a most singular notion of the law; for it turned out that all the bills for all offences were found upon the mere reading of the depositions before the committing magistrate, and that no witness ever was called. When this came before my lamented friends—Sir S. Romilly and Mr. Horner—names never to be pronounced by any without profound respect, nor by me without the deepest sorrow for their loss—they saw the necessity of providing a remedy; the rather that this most erroneous practice had become inveterate, and almost all the Judges in Ireland persisted in giving it their sanction. Mr. Horner brought in a Bill the year after, which, with the support of Mr. Peel, was passed, although care was taken to make it enactive and not declaratory, which it manifestly ought to have been, as there was no possible doubt upon the law; but a very misplaced delicacy was shown about declaring that the Judges had for so many years been knowingly allowing an utterly illegal course of proceeding. The result of this malpractice was too apparent. Sir S. Romilly stated—and as no man was ever more scrupulously careful in his assertions, so we may most safely rely upon the statement—that in Ireland the proportion of acquittals to trials was not as in Scotland, one to twelve, or even as in England, one to six, but no less than fifteen to sixteen, there being in that year 192 acquittals in 205 persons tried, and these were all trials for one offence, murder. This is indeed an extreme case of diversity in the proceedings; but there are very considerable differences in other parts of the kingdom. I have stated the average of acquittals in England to be between one-fifth and one-sixth, but the proportion varies in a remarkable manner in different counties. In Somersetshire it is one-third; in Hants and Bucks between one-third and one-fourth; in Sussex one-fifth; in Wilts between one-sixth and one-seventh. Thus whether from the practice of grand juries, or from the manner of conducting prosecutions, the acquittals are more than twice as numerous in some counties than in others.

I have dwelt, my Lords, on the defects of the grand jury, the great want of regular practice, the entire want of responsibility, the necessary uncertainty in which the community must always be left as to the persons by whom the verdict is given. But one fault can never be laid to the charge of this institution; all that passes, how irregular soever, how hardly bearing upon persons touching whom the witnesses have deposed, all is confined to the secret place of inquiry, and unless the witnesses choose to tell what passed nothing can reach the public ear. This is a redeeming virtue which affords some compensation for the evils that must ever attend a secret inquisition. If indeed the grand jury were to receive whatever depositions any persons chose to make before it; if it were to welcome all manner of vituperation against not only the party accused but every one else towards whom a prejudice was entertained, or a spiteful feeling was cherished; if parties absent could be assailed behind their backs, and those who were no parties at all to the proceeding were denounced under colour of charging those who were; and if all that passed were minutely chronicled and fully published to the world—then we might truly affirm that the inquisitorial office was scandalously perverted and abused; that the tribunal so performing its functions had become not merely useless, but pernicious, and far from claiming, as it now does, our respect, might look to be speedily abated as a monstrous and an intolerable nuisance.

The course of the proceedings now brings us to consider the trial of the party, whose seizure and the subsequent preparatory steps we have been following. Here, I grieve to say, we are met with the greatest of all the existing defects, though happily the one most easily removed—I mean the length of time which elapses between the arrest and trial, not uniformly, but unequally in different parts of the country, according to no fixed rule; hardly anywhere apportioned according to any intelligible principle. If a person is charged with an offence that can only be tried at the assizes, he must linger in gaol for above four months in summer, but seven or eight months in winter, unless he happens to be tried in Yorkshire or Lancashire, and then there is generally, not always, the benefit of a winter assize. A poor woman was last July committed to Northampton gaol on a charge of manslaughter, which was found wholly frivolous, so that if a bill was found, which I doubt, she was, as a matter of course, immediately acquitted. But she had lingered in prison upwards of seven months. A poor child of twelve years old was exposed for three months to the contamination of the gaol in the same part of the country, on a charge, a most absurd charge, of manslaughter by the finding of a coroner's jury, he having no power of letting her go on her own recognizance, or indeed of taking bail. As soon as the case was stated, there was an end of it, for the child was accused of starving her mother to death, as an accomplice of her father charged with that offence. Had there been a public prosecutor it is almost certain that neither of these cases could have occurred. Had there been proper frequency of trial, it is quite certain that the cruel infliction upon the unhappy parties, because of their inability to find bail, never by any possibility could have befallen them. Such things, as I said of Mr. Blundell's case, may be of rare occurrence; but it is a disgrace to our institutions that there should be even the possibility of their ever happening.

See, again, how capriciously arrangements are made for securing this grand object, supplying this want of the very first necessity, the speedy trial of prisoners, the prevention of their undergoing, not only the miseries of delay, the sufferings of detention, but the contamination of the gaol. I have already noted that the season of the year makes the difference between a confinement of three or four months, and one of seven or eight. But place operates as powerfully as time to create diversity. In London and Middlesex there are twelve assizes and sixteen sessions; there is now a criminal court once a fortnight. By a late arrangement, which does great credit to the Surrey magistrates, the same may be said of that county. Therefore, on both sides of the river, there is the same frequency of criminal courts; but not below London Bridge—for in Kent there are only the sixteen courts, the central assizes, and the quarter sessions—and even these sixteen only as far down as Greenwich, to which the ambit of the central court extends; the rest of Kent have only six, the two assizes and four sessions. If it be said that the circumstances of the metropolitan counties occasion this superiority over the rest of England, I make answer, first, that this will not account for a large portion of the metropolis itself being excluded from its benefits; and next, that it will in no way serve to justify the withholding of a similar benefit from such towns as Liverpool, Manchester, Birmingham, and Sheffield. Is it not quite self-evident that we must, without further delay, remove this anomaly from our system, and take care that the very highest duties of the Government towards the people should be discharged by providing a sufficient number of criminal courts in every part of the kingdom? There must be four circuits instead of two, and the general sessions must be holden eight times a year. But even this will not suffice; and as it is most just to avoid increasing more than is absolutely necessary the duties of the unpaid magistracy, I can see no other resource than the County Court Judges, who ought to be invested with criminal jurisdiction, and increased in number. By arrangement of the circuits and assizes, and of those other local judicatures, there cannot be any difficulty in providing everywhere a criminal court once a fortnight. The necessary increase in the number of the fifteen Judges will be much less than might at first sight appear; because the circuits should be differently arranged, as has frequently been proposed. The Norfolk lasts only one half the time that the Northern takes; and it seems very possible by combining it with the other short circuit, the Midland, to relieve two of the judges. If the junction of the Midland would too far increase the Norfolk, a portion of it, say Warwickshire, might be joined to the Oxford. I should think that two additional Judges, and ten added to the County Court Judges, would be sufficient. But of two things I am quite certain—that the Bar can easily supply the number of able and experienced men required; and that the expense which the addition would occasion is a thing not even to be named; a thing which we should be ashamed even to have mentioned for the purpose of repudiating, and with indignation, the consideration of such a topic upon such a momentous question as the speedy trial of persons accused, the removal of the greatest disgrace of our judicial system.

The grievance of imprisonment before trial is such as can hardly be exaggerated by any remarks. The facts, of constant and of universal occurrence, bring it home to our apprehension, let me add, to our feelings, more strikingly than any reasoning. I have given a few instances of long detention where the parties were altogether guiltless. But cases are before our eyes at every assizes and every sessions beyond the bounds of the metropolitan counties, of some weeks' confinement, where the unhappy prisoners were acquitted, and of the same period added to their sentence when convicted, and if taken into the account so as to mitigate the punishment, yet so much suffering thrown away as regards the only object of penal infliction, the example to the public; for only the amount of the sentence is perceived. But it is to the innocent that this calamity becomes the most cruel. See how numerous a body these form—nearly five thousand acquitted in 1853, all of whom had undergone, one with another, five or six weeks' imprisonment, and some of them much more than the utmost term of the sentence which would have been passed on them had they been convicted. I say nothing of the injury sustained by their families during this period of their separation and confinement.

I have more than once opposed in this House, as well as in the Commons, the addition to the number of the Judges in the Supreme Courts; always agreeing with Lord Denman upon the danger of pursuing such a course without absolute necessity. But I take the true principle to be this. Beware of rashly giving more Judges to do the work in arrear; because, as he said, this holds out a temptation carelessly or lazily to perform the judicial duties, in the expectation that more help will be provided. But when new work is cut out for them, the reason of the apprehension entirely fails; and there not only may safely be made an addition to the judicial force, but there must be such an increase if you would have the increased duties performed. The degree in which some of our courts are now, compared with others, so much left without sufficient employment, is certainly first to be considered; and if the proper remedy for this evil be applied, the equal distribution of business, as has been with perfect success tried in Ireland, there will arise from thence an increased facility of holding four assizes in the year without more than the very moderate increase of numbers which I have named.

The procedure has now reached its last stage. The trial is finished, and the convicts are delivered over to the gaol no longer for detention only, but for punishment. I hold it to be quite clear, first, that the same prison rules should be universally followed, being prescribed by the executive Government, and only modified under the local authorities according to particular local circumstances. Secondly, that the system should be framed on principles of strict economy, due care being taken of the prisoner's health, and that no practice should on any account be permitted which shall give a preference to those whose term of confinement is the longest. Thirdly, that the treatment should be, as far as possible, calculated to prevent a repetition of the offence at the expiration of the sentence—and this great object may best be attained by making it reformatory. On the second of these principles, I have to observe three things: that the dietary of the Scotch prisoners having been carefully examined and compared by eminent medical authorities, has been found to the full as well calculated to sustain the health of the prisoner, as the more costly dietary of the English gaols. Next, that the clothes cost more in the aggregate, because the untried prisoners in Scotland prefer saving the wear and tear of their own clothes, and using the prison dress, which the English do not. Lastly, that the rule has almost everywhere been most unwisely laid down of giving a better diet to those sentenced to a longer term—one of the grossest absurdities which can well be conceived, because it gives culprits a direct interest in committing a greater crime, and because the reason alleged for the different treatment is utterly untenable, inasmuch as the better diet takes place at the beginning of the confinement, when we cannot surely suppose the system to foresee how long it is to last. Upon the third head I have to remark how salutary, both as reformatory and as economical, it is that habits of industry should be encouraged in all prisoners, both untried and convicted; and this can only be done by allowing them a proportion of their earnings, and by making their diet to depend in some degree upon their conduct. An unfortunate provision has found its way into the Prison Act of 1839, which has, whether rightly or not, been construed into a prohibition to allow the prisoners any share of their earnings (2 & 3 *Vic.*, c. 56, s. 8). Nothing can be more pernicious than such a regulation, and it ought, without delay, to be repealed. The language of all who are practically acquainted with the subject is strongly condemnatory of it. I need only mention that truly enlightened and benevolent individual, whom to name is to praise, a man worthy of all acceptation, Mr. Clay, the chaplain of Preston Gaol. But the Chester governor bears his testimony also. "Few," he observes, "have returned to prison who had received their earnings during a first confinement." The deputy-governor of Lancaster Castle in like manner tells us that since the Act of 1839 there has been no zeal shown in labour; the convicts are deprived of all interest in their work, and only influenced by the fear of punishment. Mr. Hill, whose experience both in England and Scotland has been so extensive, has the strongest aversion to this ill-advised prohibition; and he instances the effects of promoting industrious habits not only in attaining the greater object of reformation, but even in the article of expense.

It is found that the cost of prisoners in Scotland amounts to 13*l.* a year, while it is in England no less than 21*l.* Now, from what I have already stated, a part of this difference is no doubt owing to the Scotch dietary being considerably lower than the English; yet, as the greater expense of prison clothing, owing to the untried wearing it in the one country and not in the other, must be deducted from the difference, we shall not find more than two or three pounds to be reckoned as the amount which cannot be saved, in equalising the expenses. Thus there is a saving of from 90,000*l.* to 100,000*l.* which could be made upon the 15,750 prisoners in England, if they laboured as they do in Scotland—contributing a portion of their earnings to defray the expenses of their maintenance, but receiving the rest as the wages of their industry. Although I reckon the mere saving of so much money by the prison industry of little importance compared with the inestimable benefit of its reformatory tendency, I yet must be permitted to hold up this fund as quite sufficient, nay, more than sufficient, to meet all the expenses that may be incurred by the grand improvement which is required so urgently in the administration of our criminal law, the additional judges, to give a certainty that the accused shall be speedily brought to trial, the guiltless liberated, and the pains of the law swiftly follow the detection of the offence.

The defects in our system, my Lords, which I have pointed out, and which are partly the abuses introduced in the course of time, but in great part also connected with abrogated laws and obsolete customs, and are in truth the relics of the most unenlightened ages, are deserving of your most serious attention, in order that you may remove them, and effect not merely a salutary, but a needful improvement in our criminal jurisprudence. Those who have best understood our legal polity, were most sensible of its faults; and some who far from being given to change, had experienced times of the wildest innovation, and dreaded all rash reforms, wisely counselled the timely and well-considered extirpation of abuses, as the best security against ill-considered and sweeping reformation. To this class belonged Lord Hale, one of the most illustrious magistrates who ever adorned the bench, but also one of the most wise and enlightened of the writers that have left their works for the instruction and the guidance of mankind. Having lived through the turbulent period of the Commonwealth, when it seemed as if the fact of any institution's existence sufficed for its condemnation, while he retained the aversion to needless change, and the apprehension of perilous experiments, which his experience of those troublous times imprinted on his memory, he also drew from that experience the lesson of wisdom, that nothing is so dangerous as the delay of needful improvement, nothing so apt to fling reform into the worst hands, the hands of ignorant or of desperate men. He has left us this invaluable legacy, the treasure which his judicial and his legislative life had enabled him to amass, his celebrated Treatise of the Amendment of the Law. To my noble and learned Friends I need not cite words which are familiar to them; though indeed in our capacity of lawgivers we cannot too often or too seriously ponder upon them.

> "If something considerable (says Lord Hale) for the reformation of what is amiss in the law be not done by knowing and judicious persons, too much may some time or other be done by some either out of envy at the profession, or mistaken apprehensions, or popular humours.—The amendment of things amiss timely by men that understand their business may prevent very much evil; and when the business is begun by such hands it may be too late to allay it. It will have this plausible pretence, that the judges and lawyers will do nothing to the law, and therefore it shall be done by other hands. Such a humour would be more easily prevented by a wise and seasonable undertaking in this kind.

I think it may fairly be asserted that I have shown your lordships no little amount of "things amiss" in the most important of all parts of our judicial system, the administration of the criminal law; and that there are far too real and too grave subjects of complaint, not among such as appeal to the "popular humour," or are moved by "envy at the profession," but in the opinion of knowing and judicious persons, and which call on "judges and lawyers" to prevent the application of the remedy from falling into evil hands, by wisely and seasonably undertaking it themselves. The existence and the heavy pressure of the mischief, I take to be altogether beyond dispute. One need not be a lawyer to perceive it; and the people as well as the judges feel its pressure.

If in this age of enterprise some traveller should fare forth in quest of information rather than adventures, should traverse the sea, penetrate into unexplored continents, and, discovering new regions and strange races, should return to make us partake of the gratification his curiosity had received; were he to tell of a people not barbarous but highly refined, and living under a system of well-elaborated criminal law, yet wholly without the means of effectually executing it—having no regular plan for tracing offences, or tracking offenders, no security for their ever being brought to justice—leaving the law sometimes to execute itself, or at haphazard placing its enforcement in the hands of those most likely to abuse the office, or peradventure, not to perform it at all—that crime was so capriciously dealt with, that some acts of the greatest atrocity were not deemed fit objects of any punishment, while others of a light and trivial kind were severely visited—that the love of liberty being a distinguishing characteristic of this singular people, and a horror of the bare possibility of suffering by the innocent, reconciling all to the constant escape of the guilty, there was yet exhibited at all times and in every place the spectacle of loss of liberty before guilt was proved—that imprisonment for months was inflicted upon the guiltless—that the sufferings of the accused depended not upon the nature of the charge against them, but upon the part of the country in which they happened to live, or indeed to be arrested—and that the whole arrangements for detention and for trial were local and capricious, both as regarded the treatment of the offender and the description of persons who should accuse and of those who should judge—that in all the most important particulars everything was left to mere blind hazard and ever-varying caprice. Surely, surely, this tale would at once be rejected with incredulous scorn, and the traveller ranked with Ferdinand Mendez Pinto, as recounting things not only untrue, but impossible, because no such nation as he had described could exist. Yet he had only given an account, and not an exaggerated account, of this country at this time. But this country cannot submit to continue in this state for any longer time. It is now just a quarter of a century since I related in the other House of Parliament the voyage of the same traveller, and his narrative was not without a useful result; it was the foundation and the origin of local judicature. On the close of the relation I presented the County Courts Bill, which, after some unfortunate delays, became the law of the land, and gave to England the inestimable benefits of cheap and speedy justice, but in civil suits alone. Let me indulge the hope that this new journey of the same traveller may be attended with the yet more valuable result of local criminal judicature, the effectual execution of the criminal law, and the rescue of the community on the one hand from the escape of the guilty, and on the other from the suffering of the innocent.

My Lords, I grieve that I have found it necessary to bring this great subject forward in the absence of the Chief Justice; but I found upon inquiry that my noble and learned Friend cannot leave his circuit before the recess, and I considered it my duty to run no unnecessary risk of being prevented from laying the whole case before Parliament. I cannot tell how soon I may be summoned from hence. Indeed, almost everything that one now does in this kind is of a testamentary nature. Alas, I said so, when a few months ago I communicated some of the statements I have now made to my loved and revered friend the late Chief Justice of England in the last letter I wrote to him. Unhappily, it has been my fate to survive him; but for how long is most uncertain; and I have deemed it an imperative duty to bequeath these proposals, with the reasons which support them, to my brethren and my country, while I yet can perform that duty, and before I shall have sunk into feeble, and unreasoning, and narrative age.

I move you to adopt these Resolutions, which embody my statement, my proposal, and my argument.

Moved, to resolve—

1. "That it is the Duty of the Government to provide effectually for the Execution of the Criminal Law, by the Discovery, the Securing, and the Prosecution of Offenders:

2. "That the local Police Establishments ought to be under the direct Superintendence and Control of the Government, [* as far as possible in concert with the local Authorities;] and that the same Rules should, as nearly as local Circumstances will permit, be everywhere applied:

3. "That the Appointment of a regular Constabulary Force should be obligatory upon the local Authorities:

4. "That in addition to such regular Force a reserve Force ought to be maintained of Persons with moderate Pay, to be called out for a short Time yearly in order to be inspected and trained, and to be bound to serve when required by the Magistrate:

5. "That a sufficient number of Stipendiary Magistrates should be appointed in the other Towns of considerable Size, with the Powers and Duties of those appointed for London and Middlesex, so far as these Powers and Duties relate to the Examination and Commitment of Persons charged with Offences, and to the Criminal Jurisdiction vested in them:

6. "That the Prosecution of Offenders should be intrusted to an Officer appointed by the Government, with such Number of subordinate Officers as may be required for conducting Prosecutions in the Counties and larger Towns; but that until such a Measure can be adopted, it is expedient to appoint Barristers who shall advise upon and conduct the Prosecutions in the Central Criminal Court and the Courts of Quarter Session of Middlesex and Surrey:

7. "That the public Prosecutor should in all the graver Cases, as the Pleas of the Crown and Forgery, proceed by Bill before the Grand Jury; but in other Cases should, at his Discretion, be allowed to proceed upon Commitment by a Stipendiary Magistrate, without any Bill found:

8. "That Assizes should be holden Four Times a Year in each County, and Quarter Sessions so frequently and at such Times relatively to the Assizes as that a Court of Criminal Jurisdiction shall sit once a Fortnight in each County:

9. "That to equalise the Business, Counties may be divided and Parts of different Counties united for the Purposes of Trial, and that Persons may be tried at the Option of the Public Prosecutor either in the District where the Offence is alleged to have been committed or in an adjoining District:

10. "That the same Criminal Jurisdiction should be given to Judges of the County Courts as is at present possessed by the Quarter Sessions of the Peace, that this Jurisdiction should extend over the District subject to their Civil Jurisdiction, and that the Justices of every County may be relieved from the obligation to hold Sessions oftener than Four Times a Year, whensoever it shall appear that beside those Four Sessions and the Assizes there is sufficient Number of County Court Criminal Sittings to give Two Criminal Courts monthly in the District:

11. "That a reasonable Sum for Trouble and Expenses should be allowed to all Persons summoned to attend as Petty Jurors on any Criminal Trial:

12. "That the Costs of every Person tried and acquitted, or discharged for want of Prosecution, should be paid out of the County Rates on Certificate of the Court before whom he was tried or brought for Trial or of the Magistrate by whom he was discharged; [* and that the committing

Magistrate should have power to certify what Witnesses at the public expense may be brought to the place of trial on the Prisoner's behalf:]

13. "That in all Prisons Arrangements should, as far as possible, be made not only for separating the untried from the convicted, but for separating different Prisoners of both Classes:

14. "That Imprisonment should, as far as possible, be accompanied with the Means of giving Work to those who are willing to work, and whether untried or sentenced to Imprisonment without hard Labour; that all the Earnings of the untried should belong to them, and to the Convicts a Portion upon their Discharge:

15. "That a Discretion should be vested in the Governors, Chaplains, and other Superintendents of Gaols, of improving the Diet of Convicts according to their Demeanour and Industry:

16. "That, subject to the Control of the Superintendents, with the Advice and Consent of the Chaplain, Prisoners may be employed as Assistant Teachers in the Prison:

[* 17. "That the Dietary of Prisons ought never to allow more to Convicts in proportion to the Term of their Imprisonment; and that in respect of Diet regard should be had, as far as possible, to the Industry and other Demeanour of the Convicts under their Sentences:]

[* 18. "That Justices of the Peace, in all Cases in which they now have Power to take Bail, and Coroners in Cases of Manslaughter, should have the Power of allowing any Person accused to go at large upon entering into his own Recognisance to appear and take his Trial; and that in Cases of Manslaughter Coroners should also have the Power to liberate upon Bail."]

[* Additions made on the 26th and 30th of March.]

The LORD CHANCELLOR said he could not, even in a very slight degree, follow his noble and learned Friend through the important subjects to which he had so lucidly and ably called attention; and if he did not attempt to do so he trusted that his apology would be that the only notice which his noble and learned Friend had given was his intention to call the attention of the House to the subject of criminal procedure. Of course, on a subject so vast, and involving such important considerations, it was impossible he could be prepared to follow the able, lucid, and long—but not too long—statement of his noble and learned Friend. He (the Lord Chancellor) could only say that with the great bulk of those observations he most entirely and most heartily agreed. As to what was the fittest and most practicable remedy opinions might differ, and it would not become him to offer off-hand any confident opinion. With regard to some of the observations, he must express his entire concurrence. In the first place, the organisation of the police throughout the country, that one policeman should have jurisdiction on one side of a hedge and another on another was a perfect anomaly and almost seemed to be contrived to secure impunity to criminals. Government had turned their attention to the subject, and last year the noble Lord now at the head of Her Majesty's Government had brought in a bill for the purpose. Whatever the defects of that Bill, he (the Lord Chancellor) must express his regret that the measure had not passed into law. He also trusted that some measure without the defects of the bill of last session might be eventually adopted with regard to criminal prosecutors. He agreed in the abstract that the existence of such functionaries would be attended with great benefits; but when his noble and learned Friend spoke of a single public prosecutor he (the Lord Chancellor) could hardly think that 500 would be sufficient to discharge the duties of such officers; because, to make the system efficient, one or more would at least be required in all the large towns and more important districts. He believed, however, that in addition to such functionaries the wants of the country would require the power of proceeding as was now done. It might be the relic of a barbarous age, but he could never believe that it would be consistent with the feelings of the country that on great questions it should be left to any Officer of the Crown to say whether any offender should be prosecuted or not. In the case of murder, for instance, the institution of the coroner, which was a popular institution, was the means by which the public always felt that they had the power of bringing a delinquent to justice even if the magistrates did not choose to do so. He must, therefore, guard himself from assenting to the suggestion that the institution of public prosecutors would be a safeguard against many of the evils which his noble and learned Friend had so ably exposed. To take his noble and learned Friend's illustration. The case of a man committed for forgery, against whom a true bill was found; but when the case came on for trial a witness was not forthcoming, and the culprit escaped, he did not see how a public prosecutor could remedy that, or that there was any remedy except by keeping the witnesses in close confinement until they were wanted. He believed that his noble and learned Friend would agree that this remedy would be worse than the disease; but otherwise any criminal who could prevail upon a witness to absent himself would escape the public prosecutor just as easily as he did at present. With regard to the increase of the number of the assizes and sessions, he was much inclined to agree with his noble and learned Friend and to think that, to some extent, an increase might be not only desirable but practicable. Here again, however, it must be borne in mind that the question was but a balance of the inconveniences, and that as long as they had trial by jury they would always find it extremely difficult in small countries to secure juries oftener than at present—[Lord Brougham: What if jurymen were paid?] There were once paid juries in the Exchequer Court, but they were most unpopular, and the measure which abolished them gave great satisfaction. He entirely agreed that great grievances arose from delay; but unless they had a Court constantly sitting in every town all over the country, to dispose of the cases as they arose, there must always be delay. It was a case of the balance of how much; but he was prepared to say that Government ought to take into consideration, and would no doubt take into consideration, the question whether it would not be possible to have the advantage of additional assizes and sessions. He trusted that it would not be supposed that he was answering or commenting upon the observations of his noble and learned Friend, for he felt that he could only discharge the last most imperfectly. He could only express his general concurrence in the observations of his noble and learned Friend, and in the truth of his proposition that something ought to be done in the matter.

Further Debate upon the said Motion was *put off, sine die.*

House adjoured to Monday next.

HOUSE OF COMMONS,

Friday, March 23, 1855.

Minutes.] New Writ for Wilton, *v.* Charles Henry Wyndham A'Court, esq., Special Commissioner of Property and Income Tax.

Public Bills.—2° Dwelling Houses (Scotland). 3° Intramural Burials (Ireland); Militia (Ireland).

MILITIA SERVICE—QUESTION.

Colonel CLIFFORD said, the House was no doubt aware that by the Bill which was passed, during the Government of Lord Derby, to embody the militia, the then existing provisions on that subject remained unaltered; the militia were to be embodied only in case of invasion, or imminent danger thereof. On the breaking out of the war, it was thought expedient to obtain the services of the militia; and a Bill was passed on the 12th of May last Session, and since the passing of that Bill a great part, indeed the great majority of the militia regiments had been embodied. In the course of last week some observations were made in another place which had cast some doubt on the legality of that proceeding. Now, it was highly important that that question should immediately be set at rest, as the minds of the militiamen had been very much excited about it, and an impression prevailed amongst them that they had not been fairly dealt with in reference to this matter. He wished, therefore, to put this question to the right hon. Baronet the Secretary of State for the Home Department—whether, in his opinion, the Act of the 12th May, 1854, had not deprived any militiaman, whether enrolled before or since, of any right to claim his discharge, by reason of the embodiment of the militia without the existing danger of invasion?

Sir GEORGE GREY: Sir, in reply to the question of the hon. and gallant Member, I beg to state that by the Act of last Session, 17 *Vict.* c. 13, after reciting that by the former Militia Acts the militia could only be embodied in cases of actual or apprehended invasion, or rebellion, or insurrection, it was enacted that whenever a state of war exists between Her Majesty and any foreign power, it should be lawful to call out and embody the militia. A doubt has recently been suggested, though I do not know upon what grounds, whether the provisions of the Act of last Session apply to militiamen enrolled before the passing of that Act. Upon that point the Secretary for War has taken the opinion of the law officers of the Crown, and Her Majesty's Government are advised that the Act of last Session, authorising the embodiment of the militia in times of war, applies as well to militiamen enrolled before, as to those enrolled after, the passing of the Act.

CHINESE COASTING TRADE—QUESTION.

Mr. GREGSON said, he begged to inquire of the noble Viscount the First Lord of the Treasury, with reference to the notification from the Board of Trade of the 12th instant, published in the *London Gazette* of the 13th, on the subject of the coasting trade in China, whether the coasting trade in China by British ships is thereby extended beyond the five ports named in the Treaty of 1842; if so, whether British ships might proceed at once under the local authority from Amoy, without waiting for the sanction of the Imperial Government at Pekin; and, whether goods sent coastwise in British ships would be admitted at the same duty as goods imported in Chinese vessels?

VISCOUNT PALMERSTON said, that the information which the Government had received on the subject was vague and imperfect. It appeared that the local government at Amoy had granted certain privileges to British vessels engaged in the coasting trade; but Her Majesty's Government did not know whether the privilege extended beyond the five ports, or was confined to them. It did not appear to be granted by Imperial authority, but simply by the local authority of Amoy. The Government had received no information as to whether goods conveyed by British shipping would be liable to a higher rate of duty than goods carried in Chinese ships.

TOOLS FOR THE ARMY IN THE CRIMEA —QUESTION.

MR. H. BAILLIE said, he wished to ask the hon. Gentleman the Clerk of the Ordnance whether any trenching tools of a superior description to those originally sent out have been forwarded to the army of the Crimea, or whether the Board of Ordnance is still prepared to maintain that the tools originally sent out were of the best description that could be obtained in this country?

MR. MONSELL said, that in order to give a satisfactory answer to that question he must first call attention to the fact that a large proportion of the tools supplied to regiments were supplied, in the main, by the colonels of the regiments, not by the Board of Ordnance. A certain portion of the regular troops were supplied by the Board of Ordnance, and the whole of the engineering troops were supplied by them. In May last, circumstances arose which gave occasion to the statement which he (Mr. Monsell) made at that time. A complaint was made by a board of officers of the Guards, who were then stationed at Scutari, of the quality of the tools. At that time the patterns of the tools in the Tower and at Woolwich were inspected, in his presence, by Sir John Burgoyne and several persons who were presumed capable of forming a sound opinion on the subject, and they declared them to be excellent. He found that the tools had been supplied almost altogether from the stores at Woolwich, and that, so far from their being of an old or obsolete pattern, they were obtained, part of them in the year 1845, but mainly in subsequent years; and that the patterns, according to which they were procured, were those which had been arranged by the board of officers which sat at the Tower in 1827, to revise the engineers' tools. On the 2nd of last August he received a letter from Sir John Burgoyne, stating that he found, in a letter from Varna, that there were no complaints of the Ordnance tools, but that, on the contrary, they were considered to be very good; but he stated that the tools supplied to the pioneers of some of the regiments, which were not supplied by the Ordnance, were very bad, and had caused a great outcry. He (Mr. Monsell) never heard any more about it until certain statements recently appeared in the newspapers, on the authority of Captain Shakspear, and of a gallant General, and he found, then, that there had been three or four reports sent from Varna and Sebastopol, complaining of the tools. He immediately sent for one of the largest railway contractors in England, who kindly placed at his disposal a most intelligent man, his foreman, to whom he (Mr. Monsell) submitted the patterns of tools taken from the store at Woolwich, and requested him to examine the quality and character of them. That gentleman had made some very valuable suggestions as to the improvement of their pattern; but he said the quality of the tools was excellent. On the other hand, he (Mr. Monsell) should be dealing unfairly with the House if he did not mention that, only one hour before, Major Lovell, of the Royal Engineers, who had been in the trenches before Sebastopol, and had returned home from ill-health, informed him that the tools he had seen used by the sappers before Sebastopol were extremely bad; that he had not only witnessed how they broke in the men's hands—which might have occurred from the men not understanding how to use them properly—but that he had actually broken up some of those tools, and had found that in one pickaxe there was hardly any steel, and that it was extremely bad. He (Mr. Monsell) immediately requested Major Lovell to proceed to Woolwich and to collect some of the tools, to test them, and to report upon them, whether he considered them to be of that same bad quality, or whether he considered them good. When Major Lovell should have made his report the hon. Gentleman (Mr. Baillie) might renew his question; but at present, with such conflicting statements, although he (Mr. Monsell) could not doubt there were a great many bad tools among them, he had not yet been able to ascertain who was in fault for their badness.

Mr. ROEBUCK said, that while the camp was at Chobham, he believed a Commission was appointed to sit upon the quality of the tools; and the question which he wished now to put was, whether such a Commission did sit, and whether they did not decide against the tools, and whether the tools on which they so decided had been sent to the Crimea?

Mr. MONSELL said, in answer to the question of the hon. and learned Gentleman, he never heard of the Commission; but if the hon. and learned Gentleman would be so good as to renew his question on Monday, he would, in the mean time, inform himself upon the subject.

CROWN CLAIMS—DUCHY OF CORNWALL —QUESTION.

Mr. BELL said, he had to ask the hon. and learned Attorney General whether any and what progress had been made towards a settlement of the rival claims of the Duchy of Cornwall and the Woods and Forests to minerals below high-water mark; also, if any arrangement has been proposed by which leases or licences can be granted pending the settlement of these claims to parties desirous of working mines in the disputed localities, or what prevents such an arrangement being entered into?

The ATTORNEY GENERAL said, that some progress was making towards the settlement of the question. It had been proposed by the law officers of the Crown that a Bill should be brought into Parliament to make an arrangement for granting leases while this dispute was pending. That proposition was, however, at the suggestion of the officers of the Duchy, postponed, in the hope that the negotiations which had been commenced would dispense with the necessity of it.

TREATY WITH SARDINIA—QUESTION.

Mr. BOWYER said, he begged leave to ask the First Lord of the Treasury whether Her Majesty's Government intend, previous to bringing before Parliament the Supplemental Treaty, by which Her Majesty engages to lend 2,000,000*l*. to Sardinia, to lay before the House papers showing the condition of the finances of that country.

Viscount PALMERSTON: Sir, Her Majesty's Government have no doubt of the competency of Sardinia to make the arrangement which she has entered into for paying the interest of the amount so to be advanced; and I have no particular information to lay before the House touching the condition or finances of that country, which are matters of general notoriety, and of which the hon. and learned Gentleman may readily obtain information.

MILITIA BOUNTY—QUESTION.

Captain STUART had to ask the Secretary for War, whether the remainder of the 6*l*. bounty promised to all militia recruits (on their enrolment) will be paid to those men who have lately been discharged, as married men with large families.

Mr. FREDERICK PEEL replied, that the bounty of 6*l*. given to militiamen was given in consideration of a service of five years, and was paid in instalments, spread over five years; of course, when they were discharged before that time, they would not receive any balance or bounty which might otherwise accrue from the time of their discharge.

QUEEN'S MESSAGE—CONVENTION WITH SARDINIA.

Viscount PALMERSTON acquainted the House, That he had a Message from Her Majesty to this House signed by Her Majesty: And he *presented* the same to the House, and it was read by Mr. Speaker (all the Members of the House being uncovered), and is as followeth:—

"Victoria R.

"Her Majesty thinks it right to acquaint the House of Commons that She has concluded, in concert with His Majesty the Emperor of the French, a Military Convention with His Majesty the King of Sardinia, whereby His Majesty the King of Sardinia engages to furnish and keep up, for the requirements of the present War, a body of Fifteen Thousand Men, organised as is therein stipulated; and, with a view to facilitate the execution of the said Military Convention, Her Majesty has, by a Supplementary Convention concluded with His Majesty the King of Sardinia, undertaken to recommend to Her Parliament to enable Her to advance, by way of loan, to His Majesty the King of Sardinia, the sum of One Million Pounds sterling, of which sum, Five Hundred Thousand Pounds sterling shall be paid by Her Majesty as soon as possible after the assent of Her Parliament shall have been given thereto, and the remaining Five Hundred Thousand Pounds at the expiration of Six Months after payment of the first sum.

"HER MAJESTY has further engaged to recommend to Her Parliament, to enable Her, if the War should not have been brought to a close at the expiration of Twelve Months after payment of the first instalment of the above-mentioned Loan, to advance to His Majesty the King of Sardinia, in the same proportions, a like sum of One Million of Pounds sterling.

"The Government of His Majesty the King of Sardinia undertakes to pay interest on such Loan or Loans, at the rate of Four per cent per annum, of which one per cent per annum shall be for a Sinking Fund, the said interest to be calculated and payable in the manner in the said Convention stipulated.

"HER MAJESTY has directed a Copy of these Conventions to be laid before the House of Commons, and She relies on the zeal and public spirit of the House of Commons to concur in enabling Her to make good the engagements which She has contracted with Her Ally."

Ordered—That Her Majesty's said most gracious Message be taken into consideration upon *Monday* next.

GENERAL FAST DAY—THE SERMON.

VISCOUNT PALMERSTON said, he rose to make a proposition, which he was sure would be assented to by all who had enjoyed the advantage of hearing on Wednesday that most eloquent and sensible discourse which was preached before the House of Commons at St. Margaret's, Westminster, by the Rev. Henry Melvill. That sermon must have so impressed itself on the minds of those who heard it as to make any further record of it unnecessary than that which remained in their memory; but considering the admirable nature of the topics selected, and the excellent manner in which they were handled by the rev. preacher, the House would think it desirable that not merely should their thanks be given to him, but that it should be printed for the benefit of those who had not the advantage (which most of them had enjoyed who were now present) of hearing the sermon. He therefore moved that the thanks of the House be offered to the rev. gentleman, and that he be requested to print the sermon.

MR. DISRAELI said, he had great pleasure in seconding the Motion of the noble Viscount, and at the same time to express the thanks of Gentlemen who sat on his side of the House, and who were present on the occasion to which the noble Lord had adverted—to the rev. gentleman for the animated and impressive discourse which he had delivered before the House on Wednesday, on a most important occasion, in their parish church.

Resolved, Nemine Contradicente—

"That the Thanks of this House be given to the Reverend Henry Melvill, Bachelor in Divinity, Principal of the East India College, Haileybury, Lecturer of Saint Margaret's Lothbury, Chaplain of the Tower, for the Sermon by him preached upon Wednesday last before this House, at Saint Margaret's, Westminster, and that he be desired to print the same."

And that Viscount PALMERSTON and Sir GEORGE GREY do acquaint him therewith.

SPECIAL COMMISSIONER OF INCOME TAX—QUESTION.

On the Motion that the House at its rising adjourn to Monday next,

MR. MACARTNEY said, he begged to ask whether it was true that a gentleman, Mr. A'Court, had been appointed Special Income Tax Commissioner for Ireland? There were on the Irish redundant list three gentlemen under forty-eight years of age, who were fully qualified to fill the situation vacant by the removal of Mr. O'Flaherty, and who were receiving, one, Mr. Norman Savage, 400*l.* a year; another, Mr. Hutchins, 585*l.* a year; and a third, Mr. Mulvany, 400*l.* a year. He thought that when such vacancies were to be filled up that gentlemen fully competent, and who were experienced as public servants, would be preferred to those who were inexperienced and who were not before in the public service.

VISCOUNT PALMERSTON said, that the number of Commissioners had been reduced, and there having been a vacancy, this gentleman seemed to him a very proper person to be appointed.

MR. FRENCH said, he must complain of the system of placing Englishmen in every office of importance in Ireland. He had looked over some of the appointments, and he found that the Lord Lieutenant was an Englishman, the Chief Secretary for Ireland was an Englishman, the Under Secretary, Colonel Larcom, was an Englishman, the Commander of the Forces in Ireland was an Englishman, the Archbishop of Dublin was an Englishman, the Inspector General was a Scotchman, the Second Inspector was an Englishman, the Chief Commissioner of Poor Laws was an Englishman, and the Second Commissioner of

Poor Laws was an Englishman; the Architect, the Paymaster of Civil Services, and the Keeper of the Records were Englishmen, and one of the Commissioners of Incumbered Estates was an Englishman. He found, too, that to the office of gaoler to a debtors' prison, lately vacant, the brother-in-law of an English minister was appointed. There were two vacancies for Inspectors of Prisons, and he found that a friend of the Lord Lieutenant had been sent over to fill one of them. It was true that the Attorney and Solicitor Generals for Ireland were Irishmen, but that was because there were no Englishmen at the Irish bar. He did not think the way in which Englishmen administered the relief to Ireland at the time of the famine, and the affairs in the Crimea lately, proved that they were superior to Irishmen as administrators.

Mr. WILSON said, that the hon. Gentleman mistook in supposing that the Special Commissionership which had been just filled up was an Irish one. It had nothing to do with Ireland. When the income tax was extended to Ireland, there were two Special Commissioners appointed, but after a year it was found that they were not required, and one was appointed to an office in England, and the other's office was abolished. Sometime ago, a Commissionership of Inland Revenue became vacant, the salary of which was 1,200*l.* a year, and that was not filled up. But it was found necessary, in consequence of the extension of the income tax to all incomes above 100*l.*, to appoint a fourth Commissioner, and hence the appointment in question; but the duties were discharged in this country, and had nothing whatever to do with Ireland.

BURIAL GROUNDS—QUESTION.

Mr. APSLEY PELLATT said, he considered the question as to the burial of the dead of so important a nature, that he thought it right to take this opportunity to ask the Government how they intended to deal with the 60,000 deaths that annually occurred in London. There were but eight cemeteries in the neighbourhood of London, which could not take more than 20,000 annually. There had been 500 burial grounds closed in the country and 150 within the bills of mortality. He considered that the Dissenters were unjustly dealt with, with regard to consecrated ground. In one case that had come under his knowledge a charge was made of 5*l.* for interment in consecrated ground, out of which 2*l.* was paid to the clergyman; and the same charge was made to the Dissenters, though they had not the services of the clergyman. He thought that the burial boards were sowing the seeds of dissension. In France and Germany there was no distinction whatever in the national cemeteries. Not so in England, for the law said expressly that a Dissenter should not be buried in consecrated ground, and therefore they were excommunicated in Protestant England. Ireland had an Act of Parliament, passed in the reign of George III., by which the cemeteries were common to all. If the rector refused to bury, he must state his grounds of refusal to the bishop and the Lord Lieutenant. Practically there was no exclusion whatever. Dissenters had no objection to consecrated ground; they thought that consecration did neither good nor evil, but they thought it right that they should have the liberty of burying their friends in consecrated ground, though they did happen to be Dissenters. In many parts of the country great inconvenience had been caused by the closing of burial grounds, and in some cases the bodies had to be conveyed many miles. Then there was another question — the question of compensation to the owners of burial grounds. There was a person named Jones, whose father left him a freehold (New Bunhill Fields) which was used as a burial ground, and brought him in 500*l.* a year; and now, the ground being closed, he was in a state of penury. There was another case at Manchester. Dr. Burton erected a church at considerable expense, and he had a burial ground which brought him in from 400*l.* to 500*l.* a year in fees. All at once it was closed, because it was within the limits of the borough of Manchester. But was that a reason for robbing a man of his rights? In such cases he considered that there ought to be compensation. With regard to consecration, he thought it ought to be taken altogether out of the hands of the bishops.

Viscount PALMERSTON said, he did not rise to answer the speech of the hon. Member, but merely to answer one part of it which resembled a question—namely, as to where the dead of large towns were to be buried? His answer was that no burial grounds had been shut up in the metropolis or any other large towns, unless on its being shown that it was dangerous to health. In the greater number of parishes new burial-grounds had (to their honour) been provided, while others chose to make arrangements with the cemetery companies, as at Woking Common and other places. He had no reason to suppose that either in London or in the country any difficulty would be found in procuring sufficient space for burials, if only the different parishes did their duty.

Mr. FITZROY said, he had had some experience in the working of the new Act, and he was in possession of some facts that would have controverted the statements of his hon. Friend; but as his hon. Friend had taken the House by surprise in bringing the subject forward to-night, he was not at that moment prepared with the documents. He was prepared yesterday, if the hon. Member could have persuaded the House to make a House to hear him. Of course it was impossible to carry these matters accurately in one's head, but he would state some facts from memory. Now with regard to the provision for the interment of the dead. In the first place, cemeteries had been provided by the City, for the whole of the parishes in the city of London, comprising a population of 120,000. The large parishes of St. Marylebone, St. Pancras, St. George's (Hanover-square), Lambeth, St. Margaret's, and St. Anne's, which contained an aggregate population amounting to 550,000 persons, had also provided new cemeteries. In the country the measure had also been very extensively accepted, and though he could not then repeat the list which he had prepared for use on the former evening, he might say that there were no fewer than from seventy to eighty places which had already obtained ground for cemeteries under the Act. With respect to the Act passed last year, to enable town councils to take measures on the subject, he could only say that the provisions of the Act had been very generally entertained. From the towns of New Windsor, Salisbury, Chichester, and several other towns, applications had been received for the purposes of proceeding under the provisions of the Act. He was surprised to hear from the hon. Member that the parochial system introduced by the Act inflicted any injury or hardship upon the dissenting body. The provision for the ground was made out of the poor rate, and consequently, Dissenters and Churchmen contributed in equal proportions. The question of compensation was a difficult but not a new one; it had been fully discussed in the year 1852, upon the motion of his right hon. Friend the First Commissioner of the Board of Works, who proposed to provide compensation out of the Consolidated Fund. So averse was the House, however, to the scheme, that the right hon. Gentleman was not able to find so much as a teller for his motion. Besides, was it fair to compensate persons for having so long kept up a dangerous nuisance? Nothing could be more unwise than to unsettle people's minds by inducing them to believe that fresh legislation was intended: and as no complaints had been made by parties who had carried the Act into execution, he hoped that no further steps would be taken on the subject.

Mr. HADFIELD said, he by no means thought that the subject was closed, and he considered that the House ought to be much obliged to his hon. Friend (Mr. Pellatt) for having taken so much trouble to bring the subject before them. His hon. Friend had in effect been counted out twice upon this motion.

Mr. W. WILLIAMS said, he thought the question referred to by the hon. Member was an important one, and deserving the attention of the House.

Mr. MALINS said, he had had many applications made to him by clergymen who had accepted benefices within the metropolis on the understanding that they were to receive certain emoluments for the support of their families, and whose income had been seriously diminished by the operation of the Act in question. For instance, one reverend gentleman had been appointed to a living of 700*l.* a year; and had insured his life and made provision for his family on the supposition that that income would be secured to him. The effect of the Act, however, had been to cut down his stipend to 300*l.* a year, and he was thus reduced almost to a state of penury. The clergy were anxious to know whether it was intended to make them any compensation; and certainly it seemed right that, as the measure was passed for the public benefit, the public should bear the loss.

Viscount PALMERSTON said, that by the first Bill it was proposed to make provision for giving compensation; but the proposition was not agreed to by the House, and the other Bill was brought in without any provision for compensation at all. It might be hard upon some persons, but he thought it was the duty of the parishes, if of anybody, to compensate the clergy for the loss of income they had sustained.

The motion for the adjournment of the House at its rising to Monday was then *agreed to.*

EDUCATION (SCOTLAND).

The LORD ADVOCATE said, in moving for leave to bring in a Bill to provide for the Education of the People of Scotland, he would beg to remark in the first place that the Bill was the same in substance as the measure he had had the honour of bringing before the House last year. He did not mean to say that some qualifications had not been introduced in the present Bill, but he should deceive the House if he did not state that the measure was substantially the same as the former one. He did not think, however, it was necessary for him to make any apology for again laying on the table of the House a Bill that had been last year rejected. No doubt that rejection was a matter of considerable disappointment, both to himself and all the lovers of education in Scotland; but the disappointment was qualified by the consideration that, at all events, it had not arisen from any fault or indisposition on the part of the Scotch Members. The proposition for its rejection of the Bill was carried by the votes of English Members, and mainly by the votes of hon. Gentlemen opposite; for the Scotch Members divided in the proportion of thirty-six to fourteen in favour of the Bill. It was made to a great extent a party question, and the ground on which the rejection took place was this, and this alone—that, in proposing a measure for the education of the people of Scotland, they did not continue the exclusive superintendence of the Established Church in Scotland, and the exclusive privilege of members of that denomination to teach in the schools. He now brought forward the measure with the expectation, which was not unreasonable, that on this occasion he might perhaps be more successful. Since the commencement of the Session a Bill for the education of the people of England and Wales had been introduced by a right hon. Baronet on the other side (Sir J. Pakington), for which he was entitled to receive the thanks and gratitude of every philanthropic man in the country, and the right hon. Baronet had made it impossible for any man to stand up and maintain that the education of the people was a thing dangerous to the institutions of the country, and that they could not educate the people safely, except through the intervention of an Established Church. He had read with the greatest admiration and respect the statement of the right hon. Baronet, and he rejoiced to find in it the same earnest conviction which he (the Lord Advocate) felt of the absolute necessity there was for Parliament to address itself to this great work. Last year he had endeavoured to bring the House to the same mind, and he had sought to persuade it that this was no question for sectarian controversy. The right hon. Baronet had taken the same course, and he had powerfully shown the dangers which lay at the very base of society, and which, if left unchecked, might peril its very safety. For

> "Incedimus per ignes
> Suppositos cineri doloso."

They must go down to the very root of the mischief, where the evil commenced, was nurtured, and gathered strength. No mere improvement of existing machinery would suffice. In the Bill which he now sought to bring in, he proposed to do what formed no part of the Bill of the right hon. Baronet. They had lately had a discussion upon the scale on which the ordnance survey of Scotland should be published, and he now proposed that there should be an educational survey. He proposed that inspectors should be appointed, who should survey the whole of Scotland as regarded its educational condition; and that they should report to the House within a limited time upon the whole statistics of the education of the country. The surveyors would be directed to state how many schools were in existence, how many schools were wanting; where they were wanting—what families sent their children to school and what families did not, so that they should have on the table a statement which would enable them, without the slightest difficulty, to put their fingers on the districts where the greatest darkness and ignorance prevailed, and to apply a remedy at once. If that were done at once, and kept up from year to year, would they not make a very great stride in advance? They would thus be able to show the country and Europe to what an extent they were fulfilling the duty incumbent upon them of educating the people, and bringing up the rising generation in the way they ought to be reared. The next provision of the Bill related to the details of the educational system proposed by him to be established. It was necessary for hon. Members to bear in mind that there was a considerable difference between the positions of England and Scotland with regard to education. In England there was no educational system that was compulsory at all; in Scotland they had ever since the Reformation a system of education which was compulsory. The first question they had to deal with was this—would hon. Gentlemen opposite this year, as they did last year, refuse to allow this measure to pass even a second reading, unless on the condition that the superintendence of the Established Church should continue and remain over the parochial schools in Scotland? According to the system proposed by the right hon. Baronet (Sir J. Pakington), it was not necessary to have the schools under the superintendence of the Established Church. The right hon. Baronet proposed that the school was to be in connection with the denomination that formed the majority in the district; but if that plan were adopted in Scotland, what did they think would be the result. In sixteen counties in Scotland the plan proposed by the right hon. Baronet would place the whole education of those counties in the hands of the Free Church alone, and there were only two counties in which the Established Church was in an absolute majority. In Scotland nine-tenths, or, at all events, seven-eighths of the population were agreed in creed, and he asked the right hon. Gentleman whether, as he had proposed such a scheme for England, it was possible to maintain that with seven-eighths of the people of Scotland agreed in creed, they could put the control of the national schools in the hands of a body that formed so small a proportion of the population? As Scotland was agreed upon this matter, and had voted in the proportion of three to one upon it, and as every borough Member in Scotland had supported it, he asked the House now, in common consistency, if they did not think it desirable in England to give a preponderance to a majority, not to saddle the people of Scotland with the preponderance of a minority. It was altogether absurd to go on arguing this question year after year, while the people were starving for lack of education; and he proposed, therefore, to settle it by doing away with the superintendence of the Established Church, and by giving no sectarian advantage to any class. He conceived, however, that it would be found that the heritors would have a very considerable voice in the matter. Then he came to the question of religious education, and he need scarcely say that he had never been an advocate for secular education, and the last thing he should wish to propose would be the exclusion of religion from their schools. He knew the people of Scotland to be a religious people, and that the thing they had most deeply at heart was the religious education of their children. He fully agreed in the opinion that secular education was a false theory, and was one that could not be applied to Scotland, though, at the same time, he must say that he should rather have secular education than none at all. But it was needless to talk of that, because Scotland would not have secular education; it would only have education with religious instruction at the same time. He proposed to state in the preamble the attachment of the people of Scotland to the use of the Holy Scriptures in the schools, and then to have a provision that certain hours should be set apart for religious instruction in the schools, and that no one should be bound to attend at those hours against his will. He considered that the clause which was known as the denominational clause, which gave power to the Privy Council to contribute towards the maintenance of schools, was very much misunderstood, but he proposed to introduce a provision, that after a particular day the grants from the Privy Council should be altogether discontinued with regard to schools belonging to the classes that ought to join generally in education. As the Roman Catholic schools and the Episcopalian schools formed but a small proportion, he proposed to leave those schools in their present position. By the Bill the salaries of the existing schools would be raised, and the masters would be much raised in position. There would be a power given to the heritors to throw the school upon the assessment if they chose; and until they did so the management would remain in their hands—in other words, in the hands of the ministers and the heritors, but not in those of the presbytery. All experience had shown that the presbyteries, meeting as they did only once a month, did not form an efficient machinery for the management of schools. He would be guilty of an injustice if he did not say that the schools of the Established Church were in a state of great efficiency. The competition which had occurred during the last fifteen years had created a great deal of energy in that quarter, but that did not convince him that a body of clergy that could only visit the schools at intervals was an efficient body for the superintendence of schools of this description. Then, what were they to do with the towns? It was proposed not to leave it at the option of towns to have schools or not as they thought proper, but to make it compulsory upon them to have schools where schools were required. And in regard to country districts where parochial schools were inefficient, it was proposed to make an assessment for the purpose of supplying such schools. In the public schools the Government and the assessment would each contribute half. In the others, the heritors would pay 34*l.*, and the Government 66*l.* It appeared that another Bill had been introduced by an hon. Member, but how would that Bill work? It would certainly extend greatly the parochial schools, but would leave the denominational schools just as they were. It would continue an erroneous denominational system, whereby persons professing substantially the same opinion, brought up their children with the belief that those who went to school at one side of the street differed entirely from those who went to school at the other side of it. He wanted to put that down. He wanted to put down sectarianism. Men agreeing substantially in the same doctrines had by unfortunate events been separated, and it was desirable that the next generation should be taught to abate the animosities that prevailed. It was by no means essential, he thought, to keep up these tests in the towns, and as long as they required to have tests which would prevent any persons but members of the Established Church from being masters in the schools, it was utterly vain to pass a measure. They might, perhaps, set an example, showing that, notwithstanding religious differences might arise, still a system of education might be established which should restore Scotland to her good name, and perhaps be an advantage to the sister kingdom.

VISCOUNT DUNCAN seconded the Motion.

MR. STIRLING said, he should, in the first instance, wish to comment upon the concluding observations of his right hon. and learned Friend. The right hon. and learned Lord said that in dealing with this question he had not been influenced by any peculiar leaning towards the Church to which he belonged. Now, he (Mr. Stirling) desired to enter upon the new struggle which he saw impending in reference to education in Scotland by frankly acknowledging that the conduct of, the right hon. and learned Lord had fully borne out his professions. He knew the right hon. and learned Lord Advocate had been accused of leaning too much towards the Church to which he belonged, but he must say he did not think that was the case. He believed his right hon. and learned Friend, who belonged to the Free Church, desired to legislate for Presbyterian Scotland generally; and that the subject had been treated by him fairly and equitably. His right hon. and learned Friend had alluded to the large number of Scotch Members who last Session supported the Government Bill, and to the small number of Scotch Members who would support the Bill which he (Mr. Stirling) had introduced. He could not deny that such was the case; but he might, perhaps, be permitted to give a short explanation to them how that circumstance arose. He was sorry to say that it was the habit of a large majority of the Members for Scotland to sit on the other (the Ministerial) side of the House. Nobody regretted that more than he did, and he deplored that natural bent which induced Scotch Members to do so. But the right hon. and learned Gentleman did not mention the fact that there were some Scotch Members who abstained from giving a party vote. Besides this, there was another reason. The House could not be too soon informed of the fact that in Scotland there was a parochial system, which he, for one, would always defend, and that parochial system did not extend to the towns. It was very natural, therefore, that those hon. Gentlemen who represented Scotch burghs should be anxious to give their support to any system of education which would supply the want which they alleged existed. All the Scotch burgh Members voted therefore for the Lord Advocate's Bill, and also the Liberal portion of the Scotch county Members. He, and those who took the same view as he did, were consequently obliged last year to appeal to their English friends, in order to get rid of a Bill which they conscientiously believed would be injurious to Scotland. The right hon. and learned Gentleman next alluded to the Bill of the right hon. Baronet the Member for Droitwich (Sir J. Pakington), who had introduced an educational measure for England. He (Mr. Stirling) concurred with the right hon. and learned Lord Ad-

Gentleman who had just sat down, he (Mr. Baxter) would characterise as being framed in an enlightened and liberal spirit, and, he would add also, drawn up by no unskilful hand. He did not wish to say a single word disparaging to the present parochial schools, which did so much to promote the greatness and the glory of his native land. But the House must remember that, since those parochial schools were established, the circumstances of Scotland had undergone a mighty change. The majority, the decided majority, of the people of that country no longer attended the Established Church, and it could not, therefore, be reasonably expected that they would give their sympathy and support to such a measure as that introduced by the hon. Gentleman the Member for Perthshire (Mr. Stirling), which was a mere extension and perpetuation of the existing system. That hon. Gentleman had stated that those schools were not of a sectarian character. It was certainly true that the teaching might not be sectarian; but as those schools were under the surveillance of the presbytery, was it not reasonable to expect they would be looked upon as sectarian in a country where the *odium theologicum* prevailed to such an extent as in Scotland? The points of difference between the principal religious denominations in Scotland were comparatively of slight importance; but there was a strong conviction in his mind that if they were to devise a more popular plan they must get rid of sectarian tests and exclusive control. He was not a member of the Free Church, but as a Dissenter he strongly deprecated the course taken by hon. Gentlemen of the same polemics as himself, who united with gentlemen opposite holding opinions diametrically opposed to their own, and, by their opposition to the former Bill of the Government, disappointed the strongest hopes of those who understood the feelings and the wants of Scotland. He earnestly and firmly hoped that hon. Gentlemen opposite would receive this measure in the same liberal and candid spirit which gentlemen sitting at his side of the House had received the proposition of the right hon. Baronet the Member for Droitwich (Sir J. Pakington), and that they would allow this just and necessary measure to pass into law.

Mr. CUMMING BRUCE said, that as a Scotch Member, he could not help expressing his feelings of gratification at being associated in the representation of Scotland with a gentleman who had evinced so much capacity for usefully attending to the business of their country as the hon. Gentleman who had just sat down. However, he was compelled to differ from the views of the hon. Member with regard to the merits of the measure now for the second time introduced by his right hon. and learned Friend the Lord Advocate. He could not but deeply regret that the right hon. and learned Lord had re-introduced the very same Bill as that which had last year given rise to so much difference of opinion, thereby creating an antagonism where no antagonism need exist. With respect to its effect upon the towns, hon. Gentlemen on that side of the House did not pretend to offer any opinion adverse to the proposition of the Government. But they maintained that in Scotland they were possessed of a parochial system established for nearly 200 years, which had worked most beneficial effects for the country; and he would therefore say, before you risk the destruction of that system, give them one which would prove a better. Let them introduce their new system in the towns, and if it proved a more efficient means of extending the blessings of education, then by all means let them adopt it for the whole of Scotland. He entirely repudiated the notion that their opposition of last year was grounded upon party or factious considerations. That opposition proceeded upon the principle that the measure of the Government went to separate religious from secular education. His right hon. and learned Friend had admitted that the present schools were justly undeserving of the opprobrious epithet of sectarian schools; on the contrary, they were open to the whole country, and the children of all denominations willingly attended and received instruction at those schools, and he had never heard of a complaint emanating from a single parent. If they thought it their duty as statesmen to maintain an Established Church as an institution of the country, upon what principle could they deal so heavy a blow against the Church of Scotland as to remove from under its control the schools which formed so essential an element of that institution? With regard to the statistical map to which his right hon. and learned Friend had referred, he gave that proposal his most cordial approval, while he believed that the counties with which he was connected would not come out of the suggested inquiry with discredit. It had been reported that in the three northern counties of Scotland the blessings of education had been extended to more than one-sixth of the population; and it had been proved in the same Report that the number of scholars attending them had gone on rapidly increasing, while the improvement in the system of education was still more remarkable. It had been alleged that the salaries of the schoolmasters were inadequate. Now that remark could scarcely have been applied to the northern counties. He could take upon himself to state that in the counties of Aberdeen, Banff, and Moray the salaries of some schoolmasters ranged to 100*l*. a year, while others reached 120*l*. At the same time, he was by no means disposed to maintain that these salaries might not be reasonably augmented. Unless a measure could be introduced that would give greater satisfaction than the present, do not attempt to deprive the people of Scotland of that admirable system of education which had conferred such great and unquestionable advantages upon the people of Scotland.

Lord ELCHO said, he had not anticipated that the introduction of this Bill by his right hon. and learned Friend would have led to any discussion. He did not rise for the purpose of prolonging the debate by entering at all into the merits of the Bill or of the question of education in general, but, as his hon. Friend opposite (Mr. C. Bruce) had expressed regret that the right hon. and learned Gentleman should have brought in a Bill similar to that which was introduced last year, he (Lord Elcho), as the representative of a Scotch county which was supposed to feel an interest in the question, felt called upon to express the satisfaction he felt that the Lord Advocate had brought in a Bill which, though it might differ in detail from that introduced last year, was in principle the same. He apprehended that the principle of the Bill was this—that it endeavoured to establish, as far as possible, in Scotland a system of universal education. In saying this he did not wish to be misunderstood. He was not at all prepared to deny the great benefits which Scotland had derived from the established schools of that country. His hon. Friend the Member for Perthshire (Mr. Stirling) told them that the difference between the Established Church in England and Scotland was this—that, whereas in Scotland there had been a system of schools under the establishment, in England there had been none. He was not prepared to deny that the Presbyterian body, established upon the ruins of the Roman Catholic Church in that country, had founded schools, but, unfortunately, owing to the *odium theologicum* which had been alluded to by the hon. Gentleman (Mr. Baxter) who had spoken with so much ability, Scotland became split up into sects and fragments of sects, and that which was at the time of the establishment of these schools the Church of the whole Presbyterian people of Scotland could not at present, he was afraid, claim the support of more than one-third of the people of Scotland, and the consequence was that the keenest sectarian feeling existed. He felt himself called upon to support the Bill of the right hon. and learned Lord Advocate in preference to that of the hon. Member for Perthshire, because the latter would in his opinion have a tendency to perpetuate sectarian differences, which it was most desirable to set at rest. The present measure would establish united education on the ancient Presbyterian basis of the parish schools. It was incorrect to say that the Bill of last year obtained the support only of the representatives of the large towns of Scotland. The fact was, that two-thirds of the Scottish Members voted for the measure proposed by the Lord Advocate, and one-third only for that of his hon. Friend opposite, and that amongst the county Members the latter had but a majority of one in its favour. So that but for the absence of the late lamented Member for Forfarshire (Colonel Maule), who was detained by his duties in a distant region, the number of county Members on both sides would have been equal. Last year, the Bill of the right hon. and learned Gentleman was unfortunately defeated, owing to a large number of English Members having come down to vote rather than to hear any discussion upon it. He trusted, however, that upon this occasion hon. Gentlemen opposite would follow the liberal example which had been set them by hon. Gentlemen upon that side of the House in regard to the Bill recently laid upon the table by his right hon. Friend (Sir J. Pakington), and that they would not come down to the House prepared to vote upon the measure until they had heard all the arguments which could be brought to bear upon the subject. Last year almost two-thirds of the Scotch Members voted in favour of the Bill of the Lord Advocate, and that proved that the people of Scotland, unless representative government was a farce, were in favour of the Bill of the right hon. and learned Gentleman. When the question came to be discussed and a division taken upon it, he hoped the English Members would bear this fact in mind, and endeavour to pay some respect to the wishes and feelings of the people of Scotland. He wished to guard himself against the supposition that he was in any way hostile to the Established Church in Scotland, but he believed that, by supporting the Bill of the right hon. and learned Gentleman (the Lord Advocate), he would be promoting the welfare of the country at large.

MR. JOHN M'GREGOR said, he had no hesitation in saying he believed that the great majority of the people of Scotland deplored the loss of the Bill of last Session. He had great confidence in that love of justice which characterised Englishmen, and he was confident that, if they would only attend to the arguments that would be used in reference to the present measure, they would vote in favour of it. The existing system of parochial education was utterly inadequate to the wants of the people of Scotland, and he hoped that the English Members would not again be found to vote against an improved measure of education.

VISCOUNT DUNCAN said, he laboured under the disadvantage of not having been a Member of the House when the measure of last year was discussed. If he had been he certainly would have given his cordial support to it. He stood there now in the position of a Member of the Government connected with Scotland, and he knew that every word he said would have its weight with the people of Scotland. He had heard nothing during the discussion to show that an educational measure was not wanted for Scotland; on the contrary, everything combined to point out that such a measure was absolutely required and would confer the most material benefits. He found, according to a carefully-prepared Report of the statistics of crime in Scotland, that in the year 1854, of the prisoners committed there were 9,259 who could not write their names, and 4,474 who could not read. When the hon. Member for Perthshire (Mr. Stirling) drew a contrast between the Established Church in Scotland and the Established Church in England, he seemed to forget that the Established Church in England was the Church of the majority, whereas the Established Church in Scotland was not the Church of the majority. As a member of the Episcopal Church, and strongly attached to his religion, he was always willing to give credit to others for that sincerity of belief which he claimed for himself. The Church of Scotland now no longer represented the feelings of the people, as it did when those parochial schools were established. The measure under consideration proposed a comprehensive and truly national system of education which extended its advantages to the rural districts. The Bill proposed by the hon. Member for Perthshire did not extend to the large towns, because the hon. Gentleman was fully aware of the difficulty of doing so, and he shrank from it. The hon. Member knew that if he extended the operation of his measure to large towns he would have been shipwrecked upon the subject of the test. If they were to have any system of education it ought to be uniform. The right hon. and learned Lord Advocate being anxious, as far as possible, to meet the objections of hon. Members opposite, had endeavoured to alter and amend some of the details of the Bill of last Session, in order to conciliate support. It was impossible that the right hon. and learned Gentleman could desert the principles upon which the Bill was founded, because he knew that they were popular in Scotland. The hon. Member for Perthshire had asked the reason why so many Scotch Members eternally sat upon the ministerial side of the House. He (Lord Duncan) would tell him the reason. They sat there because they represented the opinions of the people of Scotland, which were in opposition to those entertained by the hon. Member opposite. He must confess that he admired the principles which animated the right hon. Baronet the Member for Droitwich (Sir J. Pakington) and the noble Lord the Member for King's Lynn (Lord Stanley), when they so ably addressed the House the other night on the subject of English education. They very properly urged the importance of extending the blessings of education amongst all classes in the country, and argued that in proportion as they were advanced, in the same proportion would crime be diminished. Scotland had taken the lead upon this subject of education, and her example was followed by many other countries—Germany and France had imitated them; and the great continent of America had not only imitated them, but had outstripped them in their course. For about 150 years Parliament had almost slumbered upon the subject. It gave him great satisfaction to add his humble voice in support of the Bill, and he congratulated his right hon. and learned Friend upon the success of his efforts upon the subject.

MR. F. SCOTT said, he objected to the measure, because it was one which proposed to establish a system of education in Scotland the very opposite to that which had prevailed up to the present time—namely, a system without any guarantee for religious instruction. The right hon. and learned Lord Advocate, in his eloquent speech, seemed to convey a belief that the party with whom he (Mr. Scott) had the honour of acting were adverse to the wider extension of education, but this imputation he utterly repudiated. The right hon. and learned Gentleman had alluded to the measure of the hon. Member for Perthshire (Mr. Stirling) as one that was not calculated to do service in the cause of education; and, like a skilful debater, attempted to show that those on the opposite side of the House were the assailants, and that he was the defendant. But the very opposite was the fact; for the right hon. and learned Gentleman was the assailant in endeavouring to upset that good system of education which at present existed in Scotland, instead of trying to perpetuate and improve it. The right hon. and learned Lord Advocate said he deprecated all things partaking of a sectarian spirit, and asked them to take common ground. But why did he not take common ground? Those Members on the opposite side of the House were willing to go into a common field with him. Having disclaimed opposition in an apparent spirit of fairness, the right hon. and learned Gentleman was, however, indisposed to go one inch towards meeting them upon common ground, when they were willing to go hand in hand with him. Why, he asked, needlessly abolish the guarantee for the orthodoxy of religious opinions? When the noble Lord (Viscount Duncan) speaks of the amount of crime which existed, they granted it; but he would ask the noble Lord whether he really meant to say that it was in the agricultural districts that the crime was so excessive? He would venture to say that the noble Lord would not assert anything of the kind. What the noble Lord meant, no doubt, to say was, that in those parts where the Bill did not apply there was a large amount of ignorance and crime; and into those parts they were all willing to enter, with the view of doing all that was possible towards the diminution of such crime. They were willing to carry on a system of education at their own expense; but the right hon. and learned Lord Advocate was desirous, by his measure, of casting a considerable expense upon the Consolidated Fund. Why did the right hon. and learned Gentleman go to that fund, in order to relieve the heritors of the burden which they were at all times willing to take upon their own shoulders? The heritors were willing to support the parochial schools, a system that would be adverse to none, and beneficial to all. If the right hon. and learned Gentleman was willing to do away with that animosity which they all regretted, why did he not come forward and propose some test as a guarantee of the religious doctrines and opinions of the schoolmasters, which would be acceptable to all? Instead of doing so, the right hon. and learned Gentleman accused those who opposed him of being actuated with a feeling in favour of the domination of the Established Church in Scotland, and, with singular inconsistency, said that there was no diversity of creed amongst the great mass of the people of Scotland. If, then, 95 per cent of the people entertained the same belief, and were attached to their religious opinions, in the name of all that was sacred why did not the right hon. and learned Gentleman require from the instructors those guarantees that they entertained the same pure belief as that which had been entertained by their forefathers? There was no nation in the world that had borne so high a character for religious feelings and moral conduct, in the different services of the country, as Scotland had done. Let them take for example the gardeners throughout England, who were raised from the labouring classes. Why, he asked, was it that the gardeners were chiefly selected from Scotland? Simply because they were blessed with a better education. That fact alone was sufficient to show that in the rural districts of Scotland there was an efficient system of education. If the right hon. and learned Lord Advocate were really anxious that the Presbyterians in Scotland should be well instructed in religious doctrine, let him not propose that religious instruction should be optional, and that no guarantee for the Christian creed should be required in the instructors of youth. He regretted that the measure contained nothing relating to reformatory schools and he consequently feared that it would not be acceptable in its present shape to the people of Scotland. He hoped that the right hon. and learned Gentleman would so modify his measure as to make it acceptable to both sides of the House.

Mr. COWAN said, that there existed in Edinburgh schools which had been established by funds taken some ten or twelve years ago from Heriot's and other hospitals, in which a most excellent education was given, which he was most anxious to see extended through the length and breadth of Scotland. There no test was required, and the schoolmaster was selected not only for the information he possessed, but for his capacity to impart it. He heard with great pleasure that it was intended to raise the salary of the teachers, because it was, in his opinion, a disgrace to a nation that its instructors should receive barely the remuneration which its common labourers received. Even the rooms of their dwelling-houses had been restricted to two, whilst the maximum salary of the shoolmaster was fixed at 34*l*. His right hon. and learned Friend's Bill proposed to replace this state of things by a thoroughly equipped and efficient system holding out premiums to individuals to devote themselves to the acquisition of knowledge, and the best methods of communicating it. It was deplorable to see different sects contending for the education of the young in a sectarian spirit. He trusted the Bill would be received with the favour which its great importance in regard to the most vital interests of the country demanded. His right hon. and learned Friend had stated that he was a member of the Free Church, and so was he (Mr. Cowan), and having heard it stated that this Bill was brought in to advocate the educational system of the Free Church, he would state that he firmly believed that in a pecuniary point of view it would have the contrary effect. The Free Church had done a vast deal for education, having built 500 or 600 schools, but if this Bill became law a vast number of those school-houses would become of no use, for they had in many cases been built from the opposition of proprietors in remote districts, and would not be available under the new system. He believed on the whole that the Bill would promote greatly the national good, and he begged to express his most cordial thanks to the right hon. and learned Member for what he had done.

Mr. BOUVERIE said, he cordially congratulated his right hon. and learned Friend, the Lord Advocate, on having had the courage to grapple with this important and difficult subject, and he entertained a confident hope that the Bill now brought forward by the right hon. and learned Lord would meet with a more favourable reception than the measure he had introduced on the same subject last year. There was a clause in the Bill of last year which provided for the arbitrary dismissal of schoolmasters by the Education Board, and as that provision was considered very objectionable he hoped it had been modified in the present measure. There was no doubt the system of education which had hitherto existed in Scotland could not be extended, and it was therefore desirable to establish a plan upon a new basis, instead of endeavouring to force upon the people a system to which they entertained the strongest objection.

The LORD ADVOCATE said, that the clause to which the hon. Gentleman had referred had been considerably modified.

Mr. WALPOLE said, he did not rise for the purpose of saying anything against the introduction of the Bill, but merely to suggest whether, with the view of avoiding those hostile collisions, especially with regard to religious questions, which had been referred to by Scotch Members, it would not be worth while to draw a distinction that had been recommended by a noble Lord in "another place," who was perfectly well acquainted with the state of Scotland, and was one of the greatest advocates of popular education in either House of Parliament—a distinction between the education required for the more rural parts of Scotland, and the education required for the large towns of that country. Had such a distinction been drawn, instead of meeting with any opposition on the part of his (Mr. Walpole's) Scotch friends, the right hon. and learned Gentleman would have received their cordial support. But if by bringing in this Bill they introduced the discussion of those very religious differences which they desired to see abolished, surely the blame must rest rather with those who caused the discussion upon such religious differences than with hon. Members on that (the Opposition) side of the House, who were as anxious as hon. Gentlemen on the Ministerial benches to reconcile those differences as far as they possibly could, and still carry into effect the general object of extending education wherever education was required. He entirely agreed with the observation of the hon. Member for Edinburgh (Mr. Cowan), that the salaries to Scotch schoolmasters were miserable pittances; and the Bill of his hon. Friend the Member for Perthshire (Mr. Stirling) provided for the increase of those salaries, to from 50*l.* to 60*l.*, with the concurrence of those heritors of Scotland who were to be charged with that increase, in all cases where the stipend was less than 35*l.* The noble Lord the Member for Haddingtonshire (Lord Elcho) had described the principle of the Bill now proposed as establishing a united system of education and doing away with sectarianism. But he (Mr. Walpole) understood that united education went on at this moment in the parochial schools, and he was utterly at a loss to know why it should not continue to go on when they had improved it. Looking, therefore, at the points of difference between the two sides of the House, he thought they might almost all of them be got over by making a distinction between the education to be provided in the rural districts, and that to be provided in the populous towns. Considering that the existing system had prevailed in Scotland for nearly two centuries—that that system had sent into the world many of the best educated men, and men who had risen to the highest station in consequence of that education, and that that education was probably better than any system that had hitherto been established elsewhere—considering these things, was it wise—he asked, to offend a large portion of the people of Scotland upon one point respecting which they were not agreed, and would it not be more advantageous to say,—"Instead of superseding, we will extend the system, where it is deficient we will supply the deficiency, but we will not outrage the feelings of a large portion of the inhabitants of Scotland. We still think there ought to be a religious test applied, that their parochial schools ought to be preserved, and that the control of the presbytery ought to be still maintained in those schools?" Before concluding, he could not help making one or two other remarks with regard to what the right hon. and learned Lord Advocate had urged for the foundation of this Bill—namely, the introduction of another Education Bill by his right hon. Friend (Sir J. Pakington), which was to apply to England. The right hon. and learned Lord Advocate thought that the principle of that Bill would entirely justify him in pressing upon the House the measure he proposed that evening. But the distinction between the two was plain and obvious. For whilst in Scotland they had this system of education, which had prevailed for so long a period as he had named—a system which had succeeded admirably throughout that country, and which only required extension and improvement—in England they had no such system at all. There, then, was ground for drawing a plain and broad distinction between the measures which should be introduced for the two countries. Further, the discussions which were likely to take place both upon the measure of his right hon. Friend (Sir J. Pakington) and that of the noble Lord the Member for London (Lord John Russell) would naturally lead to a full consideration of all the principles which ought hereafter to be adopted upon the great question of education. One point upon which there would be a very general, if not unanimous concurrence in that House was, the wish to diffuse education to the fullest possible extent for the benefit of the people, alike of England and Scotland. But there were other points than that to be considered with reference to those Bills. The question which might be asked, whether these measures would not lead to greater evils than those they were designed to remedy; whether they would not increase the evils of our church-rate system by imposing a rate for educational purposes; and whether, if collision now took place in consequence of the levy of compulsory rates for the repairs of the church, they would not have to resort to the only other alternative before them, that of adopting a purely secular system of education. These matters must be discussed before they could say that the principle of his right hon. Friend (Sir J. Pakington's) Bill, or of that of the noble Lord (Lord John Russell), might be taken as a settled point upon which they could build a system of education for the people of Scotland, and he thought that the arguments of the right hon. and learned Lord Advocate would hardly justify him in using the principle supposed to be contained in those Bills as applicable to the Bill now introduced for Scotland, particularly when the differences between the two countries were so great as they were known to be.

Viscount PALMERSTON: I must congratulate my right hon. and learned Friend the Lord Advocate and the House, on the tone and temper which has pervaded the discussion that has ensued upon the Motion he has made. I think there appears to be a unanimous agreement upon some particular points of this question, and I trust, when the Bill is laid upon the table, and its details are brought under examination, that there may be a nearer approximation of opinion on this subject than, on the first statement of the objects of the measure, the House might have been disposed to anticipate. Indeed, on some general principles there already seems to be a ready acquiescence. The right hon. Gentleman who spoke last has very candidly admitted—what I am sure he would be the last person to deny—the great importance of extending to the whole of Scotland an effective system of education. Scotland has long taken the lead in this movement. She stood pre-eminent ages ago for her excellent general system of national education, adapted as it was to the circumstances in which it originated. Those circumstances have, however, changed—events have occurred which were not anticipated by the founders of the system, and which have so completely altered the condition of things, that what at the outset admirably met the requirements of the nation was now by common consent admitted to be very inadequate to the present exigency. All parties concurred in thinking that some modification, some improvement must be made. The hon. Member for Perthshire (Mr. Stirling), who has introduced the rival Bill, proceeded on that assumption. When we are told what is the niggardly and scanty salary given to those men to whom you intrust the education of the people, when we hear that schoolmasters—men possessed of certain intellectual attainments, natural capacity, and acquired knowledge—are receiving such paltry pittances as those now given to them, and of which, when last year the matter was brought officially before me, I felt quite ashamed of taking cognisance, it is perfectly clear that an addition ought to be made to their present remuneration. In looking at the present state of Scotland, we cannot help observing the manner in which the people are split up into different religious sects. I respect highly that deep sense of religious obligation which has led to this severance of the religious community; but it is surely very desirable that those differences which divide the people into so many sects should not be studiously inculcated into the minds of children in public schools—that they should not be brought up in religious antagonism to each other. If in after life they should be led by individual conviction, or by deference to the opinions of their parents, to adopt the principles now instilled into them, let them by all means take their places among the different religious denominations of their country; but, at all events, their convictions should result from reflection, thought, and persuasion, and should not be prejudices implanted in their minds at a period of youth when they are incapable of comprehending the grounds of conflicting theological opinions. Well, then, I do say it is important to abolish the sectarian character of the existing schools. These, then, are the points in which my right hon. and learned Friend's plan has the superiority over that proposed on the other side of the House. It is very easy to say that you may extend the present system, and thereby meet the wants of the great towns; but if anybody looks at the manner in which these Scotch schools are distributed, he will see that, in consequence of the religious distinctions among the people, schools are not wanted in some parts of the country, and that, on the other hand, where they are really needed, none exist. My right hon. and learned Friend's plan further proposes to lay the foundation for a better distribution of the schools. It not only seeks to improve the character and constitution of the schools, but to efface those religious divisions which the existing system is calculated to perpetuate, while it will also supply the country more equally and in better proportion with the means of instruction than is the case at present. Therefore, from what has passed to-night, whatever differences may still exist as to the details of my right hon. Friend's measure, I hope that when the second reading is proposed the House will approach the discussion in the same tone and temper which has marked the proceedings on this stage; that both Englishmen and Scotchmen will feel that this is really a subject of great national importance; that we shall lay aside any prejudices that may not be founded upon essential differences and distinctions; and that this House will give to the Bill of my right hon. and learned Friend the best possible consideration, and be disposed to reconcile it, if possible, with their opinions, to support it, and to pass it into law.

Mr. ELLIOT said, it had been proposed by the right hon. Gentleman opposite (Mr. Walpole) that the Bill of the Lord Advocate should apply to towns and to thickly populated parts of the country only; but while the religious sects extended all over Scotland, in the highlands the Free Church was predominant. In the whole of the south of Scotland the Free Church and the Dissenters were in a majority over the Established Church, and if they admitted the principle that in the towns the system of the right hon. and learned Lord Advocate could be properly applied, the same reasons would lead to the application of it in the country. The parishes were in precisely the same situation as the towns, for there were parochial schools, to which only one-third of the people would go. [Mr. Walpole dissented.] His right hon. Friend opposite shook his head, and seemed to say that anybody might go there; but then they would not go there; the members of the Free Church would not, as a general rule, send their children to the parochial schools, and there was scarcely a parochial school which had not got a Free Church school close by it.

Mr. JOHNSTONE said, he understood the present Bill was substantially the same as that which the right hon. and learned Lord Advocate had brought in last year. If so, there were two omissions from that Bill to which he desired the right hon. and learned Gentleman's attention. In the first place, whilst it made efficient provision for the education of boys, it seemed to leave out of account altogether the girls, for whose education, however, it was surely important that some special provision should be made; and in the next place, it made no provision for the education of the masters. Now, there could be no doubt that a normal school for the education and training of masters was a most essential thing; and he trusted the right hon. and learned Gentleman would take into consideration this as well as the other point to which he had directed his attention.

Mr. DUNLOP said, he hoped that the Bill would be treated with the consideration befitting its importance, and that a more convenient time would be fixed for its discussion than had been the case with regard to the Bill of last year.

Mr. A. KINNAIRD said, he was cordially in favour of the Bill, but would suggest that Members opposite might give up the point respecting the power of the presbytery in the management of the schools, and unite with him (Mr. Kinnaird) and his Friends in getting some security for religious teaching in the schools. The Bill might then, he thought, pass harmoniously through the House.

Mr. Serjeant SHEE said, he thought that there could be little difficulty in framing a general measure of education for a country in which 95 per cent of the whole population were of one religion. He trusted, however, that the right hon. and learned Lord would so shape his Bill as to secure the support of the remainder—the Roman Catholics, who in Edinburgh, Glasgow, Banffshire, Aberdeenshire, and part of Morayshire, formed a numerous and important minority. The right hon. and learned Lord lost his Bill last year by nine votes, and it would be his own fault if he lost it this year, for he had only, in framing its provisions, to have regard for the 5 per cent, as well as the 95 per cent of the population of Scotland, and the measure would be perfectly safe.

Mr. ALEXANDER HASTIE said, besides the Established Church and Free Church there was another important body in Scotland, called the United Presbyterians. They were generally disposed to support the Bill of the right hon. and learned Lord last year, but there were one or two points on which they felt some objection. One was, the constitution of the Educational Board, which they considered to be too largely nominated by the Government, and he trusted the same error would not be imported into the present Bill. He was glad to learn that the denominational plan, which was likewise very much objected to by many religious persons, was not to be introduced into the Bill now proposed. He believed that the Bill would be received with favour by a large body in Scotland.

The LORD ADVOCATE, in reply, said, he thanked the House for their candid and temperate reception of his measure, and he was certain that nothing would give him greater pleasure than to adapt it, so as to obtain the support of the hon. Gentlemen who had spoken, so far as he consistently could. When the Bill was printed it would be seen in what way he proposed to deal with the difficulties which had been suggested, and he should be glad to receive any suggestions or communications on the matter. With regard to normal schools, his notion of the perfection of an educational measure was that it should include some provision for them; but upon consideration of the whole subject, the Government had thought it better to start this educational system by itself, and afterwards to engraft upon it a provision for normal schools. He was sorry the right hon. Member for Midhurst (Mr. Walpole) did not yet see his way to supporting the Bill. With regard to a suggestion made by that right hon. Gentleman, if he (the Lord Advocate) could have seen that there was less difficulty in the proposing a separate measure for the towns than one for the whole country, he might have taken that course.

Leave *given;* Bill *ordered* to be brought in by the LORD ADVOCATE, Viscount PALMERSTON, and Sir GEORGE GREY.

INTRAMURAL BURIALS (IRELAND).

Order for Third Reading read.

LORD NAAS said, he wished to call attention to some points of the Bill. The Lord Lieutenant had power to prohibit burials in all towns in Ireland, but the Bill gave no power to provide new burial-grounds. Great injustice might, therefore, be committed, as it might be difficult in such case to provide proper places, unless powers were given to boards of guardians or town councils.

MR. HORSMAN said, the suggestion was a very proper one. In the English Act there was a provision which it would certainly be desirable also to have in the Act relating to Ireland, giving powers, whenever one burial-ground was shut up, to open another, the rate payers themselves paying the expenses, and electing a representative board, with power to make all necessary arrangements. He would communicate with the authorities in Ireland, and if there was a feeling that the noble Lord's suggestion should be carried out, he should be glad to introduce a clause to that effect.

Bill read 3°; On the Question "That the Bill do pass,"

MR. VANCE said, he wished to move a clause for the purpose of compensating clerks, sextons, and beadles, for the loss of fees and sums now received in respect of interments. He was afraid there would be some difficulty in giving the power of compensation to vestries in Ireland in these cases, as those bodies were for the most part Roman Catholics.

VISCOUNT PALMERSTON said, the first Burial Bill that was passed by Parliament gave compensation to the clergymen, the sextons, and others who might be sufferers by the closing of burial-grounds, and that compensation was to be charged on the poor rates; but in subsequent Sessions Parliament altered their views on the subject, and in the Bill which was brought in by the noble lord belonging to Lord Derby's Government all compensation was deliberately, and upon due consideration, omitted. The hon. Gentleman was mistaken in supposing that in England any compensation was given to clerks, and sextons, and others, who might lose fees in consequence of shutting up of burial-grounds. It was plain, in point of principle, that you could not maintain that anybody had a vested interest in that which was a public nuisance. The only reason for which a burial-ground was shut up was, that it was a public nuisance; that it was so full of decayed organic matter as to become dangerous to the health of the neighbourhood. Well, in that case it ought to be shut up, and out of regard for the public health it must be shut up. Then there could be no reason whatever why persons who had incidentally obtained profits from the use of that ground should be compensated for the loss of profits which, by the excessive use of the ground, must necessarily cease. In most cases the parish would provide a new burial-ground, and the same fees would attach to the new one that had been obtained from the old one, and, therefore, in ordinary cases, those persons would be no losers at all; but even if they were, there was no reason why the public should be called on to make compensation, or to pay for the loss of emoluments which had sunk under the magnitude of the nuisance it was sought to remove.

MR. VANCE said, if there was any certainty that those persons would get employment under the new Act, he would withdraw his amendment.

Clause *brought up*, and read 1°.

Motion made, and Question, "That the clause be now read 2°," put, and *negatived.*

Bill *passed.*

THE TRANSPORT SERVICE.

On the motion for going into Committee of Supply,

MR. LINDSAY said he would take that opportunity of calling the attention of the House to the administrative system of the transport service. In doing so, he would studiously avoid all irrelevant matter, and all points with which he knew the House to be familiar. He would make no reference to what had passed before the Committee now sitting upstairs, and still less would he attempt to anticipate any decision at which that Committee was likely to arrive. He would deal with the subject impartially—would avoid all personalities, and endeavour to be just, nay, generous, so far as the circumstances of the case would permit. The subject was a most important one, as was proved by the fact that in the past year there had been no less than 8,663,000*l.* voted for the transport service, and when it was considered that a well-arranged transport service was essential to the good conduct of the war, the House would perhaps be inclined to favour him with its attention while he shortly adverted to the subject. Before going further, however, he felt it his duty to refer to some remarks made by a noble Earl in another place, who had used very strong language in reference to the transport service, and whose remarks were all the more forcible because he was considered a great authority upon maritime questions. That noble Earl was reported to have said—

> "He would venture to assert that in the whole service of the Crown there had hardly ever been evinced a greater degree of profligate extravagance in the expenditure of money, carelessness and ignorance in the making of contracts, slovenliness in their employment of vessels, and confusion and mismanagement as to their departures from and arrivals in the ports of this country. In the region where they were employed their utility had been marred by the utter want of arrangement in everything that concerned the business of embarking, carrying, and landing cargoes, so familiar to all persons engaged in mercantile concerns in this country. When first the war broke out, and it was thought necessary to have a large quantity of shipping in readiness, ships came forward so quickly that the whole trade of the country seemed to be laid for the moment at the feet of the Crown." [*See* 3 *Hansard*, cxxxvi. p. 1963-4.]

In part of that statement he (Mr. Lindsay) agreed; but with reference to that part which stated vessels of every description were placed at the service of the Government, and in such great abundance, he thought the noble Earl had made a great mistake; for when the war commenced, and the Admiralty issued notices for tenders, very few offers, he believed, were received of suitable vessels. The noble Earl went on to state—

> "Government made engagements with the owners of the transports on terms that astonished the merchants, and showed them to be utterly ignorant of the manner in which business of this kind ought to be conducted. The tonnage was bargained and paid for on the builders' measurement, though every one was aware that that was merely nominal."—[*Ibid.* 1964.]

By that statement the noble Earl gave the public to understand that the owners of ships tendered them on the smaller and the Admiralty paid them on the larger tonnage. That was not the case, for the Admiralty went about tendering in a clear and distinct form, requiring owners to tender on the gross tonnage of the ships; and they were correct in doing so, because there was then less chance of fraud than if the tenders had been made upon the smaller tonnage; and, as the price was proportionate, the country in no way suffered from the course the Admiralty took. He thought, also, the noble Earl had, without mentioning his name, done great injustice to Captain Milne, who had the charge of taking up the transports, and than whom a more able servant the Crown did not possess. The noble Earl said—

> "He would suggest that the surest and most economical plan to follow in hiring steamships was to make a contract with the owner, including the price of coal, but taking the power of deducting say 50s. for every ton of coal supplied to him."—[*Ibid.* 1968.]

He was surprised to hear the noble Earl make such a proposition as that, and the effect of it had been that an erroneous impression had gone abroad that the Admiralty had paid a higher price than they ought, whereas the cheapest course had been adopted of getting vessels by advertising for tenders; they had been equally wise in agreeing to provide the coal, because the owners could not have provided it upon such advantageous terms as the Admiralty. The noble Earl had also made a remark with regard to the engaging the service of the screw steamer the *Telegraph*, and had made it appear that she was engaged expressly for the purpose of conveying roasted coffee for the use of the troops in the Crimea. His words were—

> "The Government being anxious to remedy this crying evil as speedily as possible, hired a ship to proceed to the Crimea with roasted coffee. For this purpose the *Telegraph* was engaged, a screw steamer of 500 tons register and 900 tons builders' measurement, which had cost its owners 28,000*l.*, and the Government agreed to pay for its use 2,500*l.* a month, which would in ten months give the full value of the vessel. She was loaded with coffee, and about to start, when General Simpson, who was to have gone out in her, saw her and declared that he would not go in her. He did not—nor did the ship itself; for they loaded her so deeply with coffee that the water ran in through the water-closet tubes, and they were obliged to take her into dock."—[*Ibid.* 1969.]

Now, this vessel was not engaged for the purpose of carrying coffee. She was engaged for an entirely different purpose. And though the price was high—so high that the Admiralty refused her more than once—still the owners would not make any abatement, as the French Government were quite prepared to take her at the price they required, or even on higher terms. She was, however, much wanted by the British Government, and was expressly engaged to run with despatches between the Crimea and Constantinople, or any other place in the Black Sea, and not to carry stores. The Commander in chief was very desirous to have a vessel for that purpose, and Captain Milne, in his anxiety to save money to the country, rather than she should go out empty, sent out the coffee in her. It was not, therefore, fair that, while that gallant and indefatigable officer was studying economy, he should be censured and charged with waste and mismanagement. He (Mr. Lindsay) could not lay the case fairly before the House unless he was just to all parties. Having said this much in justice to the Board of Admiralty, he feared he could say little more in favour of their conduct. In order to place before the House what might be done for these transports, it would be necessary to state the amount of the tonnage engaged. From the returns issued up to the 2nd of January, it appeared that steamers of the aggregate tonnage of 123,350 tons were then engaged, and taking for the subsequent addition the low estimate of 26,650 tons, there were probably now engaged something like 150,000 tons. The return of sailing vessels showed a tonnage of 91,140, to which they might probably add 8,860, thus making 100,000, or altogether, including both descriptions of ships, sailing vessels and steamers, 250,000 tons, which must be admitted to be an enormous transport fleet. He had shown that the steamers could not have been obtained at lower prices, but he would now show the House where there had been enormous waste. He would allow a steam vessel ten days loading, twenty days for her passage to the Crimea, ten days landing, and twenty days passage home in ballast, or sixty days in all. A steamer, therefore, ought to make six voyages per annum; and allowing two tons measurement for each infantry soldier, steamers having a tonnage in the aggregate of 150,000 tons ought to carry to the Crimea 75,000 soldiers each trip, or 450,000 in twelve months. In addition to these, there were 100,000 tons of sailing vessels, and allowing to them forty-five days for their passage out, forty-five for their passage home, ten days loading and ten days landing, they would make three voyages each in the year; and as they would carry 50,000 per voyage, they would take in the whole 150,000 infantry. Of cavalry there might be carried out by the steamers 15,000 each trip, or 90,000 every year; and by the sailing vessels there might be conveyed 10,000 per trip, and supposing them to make only two voyages in the year, 20,000 per annum. It would appear, therefore, that there were regular transports engaged which would carry out 550,000 infantry, or 110,000 cavalry per annum, with all their provisions accoutrements, and a large quantity of stores besides. Upon a former occasion an hon. and gallant Member had contradicted some statements which he had made with reference to the conveyance of Turkish troops. He had now some facts to submit to that hon. and gallant Gentleman. Allowing ten days for the embarkation of Turkish troops at Constantinople, five days for the passage up from thence, ten days for disembarking at the Crimea, and five days for the passage back, or in all thirty days, these vessels, if employed in that service, would be able to make twelve voyages per annum, so that they could carry with ease in the course of the year 1,992,000 Turkish infantry, or 300,000 Turkish cavalry. He made these statements to show how little, comparatively, had been done with the enormous amount of shipping at their disposal, and how badly that little had been done. He would now trace the progress of a ship, and for the purpose of illustration he would take the *Golden Fleece*, a steamer of 2,000 tons, which cost the country about 7,000*l.* a month; he thought that vessel would be a fair specimen of the rest. She left Leith Roads upon the 11th of March, 1854, with her Majesty's 4th regiment; in ten days she arrived at Malta, and disembarked them all well immediately after arrival. Shortly afterwards she embarked the 2nd battalion of the Rifle Brigade, about 200 Sappers and Miners, and twenty horses, also Lieutenant-General Sir George Brown and staff. On the 6th of April she arrived at Gallipoli, but did not land the troops for three days, no arrangements having been made for receiving them. She returned to Malta on the 12th of April, and, after waiting about a week, left with the Grenadier Guards, a company of the Coldstreams, and twenty horses. She called at Gallipoli, and received orders to proceed to Scutari; but no arrangements were made for receiving them there, which caused considerable delay before they were disembarked. After remaining there some time she took Sir Richard England and staff to Gallipoli, and returned with Sir George Brown and the Rifle Brigade. She remained at anchor off Scutari or the Golden Horn until the army was ordered to Varna—a period of about six weeks, during which period a large steam fleet was lying perfectly idle. She then took the Rifle Brigade on board for the third time, and landed them at Varna, and in succession afterwards the Grenadier Guards and several regiments of the line. She landed the first British troops both at Gallipoli and Varna. About the end of June she received orders from Admiral Boxer to return to England, and took nothing home but a large quantity of empty provision casks, which the captain could not get removed from the ship, and which had been accumulating from the time when the ship commenced to issue Government stores. Notwithstanding repeated applications, he could get no authority to land or destroy them, though perfectly worthless, and taking up valuable space on board. He had many other instances of a similar nature which he might adduce, but really the history of one ship was the history of them all. Another ship actually arrived off the Alma the day after the battle, but, although the captain reported that he had a number of surgeons on board, their assistance was not availed of at a time when surgeons were so much wanted, until twenty-four hours after her arrival. It had been said in another place, that there had been no detention of these transports. He was surprised that such a statement should have been made. There were now two large vessels lying at Deptford—the *Germania* and the *Hermes*—which cost the country 12,000*l.* a month. The Admiralty chartered them a month before they arrived at Deptford, but he believed that they received no pay until they arrived and were ready to embark troops. The very day that they arrived at Deptford they were ready to receive troops. They had been lying there now three weeks, and supposing that they should remain there another week, there would be 12,000*l.* totally lost to the country. All that time they had been lying there for the ostensible purpose of fitting up berths for the soldiers, which might have been easily done in two days. It was in such matters as these that the public money had been wasted, and he had no hesitation in saying that out of the 8,000,000*l.* which had been voted for this service 2,000,000*l.* at least had been totally lost through unnecessary delays. It was, therefore, the duty of the House of Commons to endeavour to ascertain the cause of all this sacrifice of the public funds. He did not say that the fault rested with the Admiralty solely; he attributed it to the whole system, which struck him as being decidedly wrong, and as requiring a thorough revision and a thorough reform. The War Office, or the Ordnance, or the Commissariat sent word to the Admiralty that they wanted a certain amount of goods or a certain number of troops sent out. The Admiralty took up ships, but when these ships went down to Deptford they found that the troops or the Ordnance stores were not ready. What he should like to see was this—that when these different departments sent word to the Admiralty that they required vessels, they should state the exact time when the troops or stores would be ready, and be kept to the time given. There was another cause of great delay. Each of these different departments sent some one to stow their goods, and the most ludicrous instances occurred of wrangling between the various officers as to where their stores should be stowed. These departments ought to have nothing to do with stowage; they should send the stores alongside the ship, but not be allowed to go on board. The Admiralty or the Transport Board should be responsible for stowing and carrying the goods from England to their destination in the Crimea, and for their delivery to the proper parties. They would then have much less delay; they would not have such constant complaints of goods being damaged and stowed in improper places, and they would have some responsible party to whom to look. He was aware that the Admiralty were making great exertions—feeling, as they must, that there was something wrong—to remedy the evil; but he could not approve the course they had adopted. In his opinion the great cause of the evil had been the want of some responsible head, of some one to whom to appeal, of some one whom they could blame when things went wrong.

The Admiralty had appointed a Transport Board. Now, he had no faith whatever in boards. It was merely shifting responsibility from one shoulder to the other. It was only increasing the evils which all were now most anxious to avoid. What he would recommend would be, to have one person—the gentleman who filled the situation of Chairman of the Transport Board would be a very competent person—to direct, and make him, and him alone, responsible to the Minister of War. They would then know what they were about. Having said thus much with regard to the loading and sailing of these ships, he thought it might be interesting and possibly advantageous if he said a very few words as to the mode in which the Admiralty conducted their business with reference to accounts. On the 24th of October, 1854, an account was rendered for messing of officers and for a hawser supplied to the Government officers in the Mediterranean, all properly vouched. On the 4th of December another account for the same hawser, and also for messing other officers, was rendered, and after repeated applications a letter was received, dated the 9th of February, stating that, "on the 2nd instant the account was sent to the Accountant General's department for payment." The amount was called for on the 5th, 9th, and 12th of February, but had not then reached the Department. On the 17th and 27th of February, and on the 6th and 8th of March, it was again called for, when the persons applying were told it was detained at the storekeeper's department. On the 16th of March, upon again applying, they were referred to a deaf and dumb person, so that all communication had to be in writing. He did not complain of the Government employing a deaf and dumb person. He was sorry to say there were some high in office who had ears and would not hear, and eyes and would not see, who were just as bad as this unfortunate deaf and dumb man. But as this deaf and dumb person held a very responsible situation at the Admiralty for the passing of accounts, he so doubted the statement of a person thus afflicted being placed in that position that he asked for the original document of the deaf and dumb man's writing, and he now held it in his hand. In reply to the inquiry of the person calling for the account, the deaf and dumb man said—

> "I have been sending the last three days to look for the claim and cannot find it. You ought not to have included the rope in the same claim; it obliged us to refer to the Storekeeper General, and the claim is most likely with him." "But"—

wrote the party calling for the accounts—

> "the rope was sent up about three months before, and it could not be paid. Can we have the messing by sending another account, minus the rope?"

The answer from the Admiralty deaf and dumb clerk was—

> "The messing requires the vouchers, which are with the claim. The office is being cleared out and got in order, and I hope your claims will be found and got forward, but it is too great a waste of time specially to go looking for them."

Another claim for messing was forwarded on the 9th of January, 1855, accompanied by the certificates all properly signed and in order. After repeated applications, the person applying was informed, on the 6th of March, that the account was lost. It was again applied for on the 8th, when it was stated to have been forwarded to the War Office, and on the 16th of March the deaf and dumb clerk gave the following reply—

> "We cannot pay for officers we know nothing of, so we sent the voucher to the War Office, and have not yet got their reply."

In the first instance, an account, after being rendered nearly five months, was stated to be either with the Storekeeper General, or else, if in the office, would possibly be found shortly, as the office was being cleared and put into order (they might presume not before it was needed), and the applicants were politely informed it would be too great a waste of time specially to look for particular accounts which had been carelessly mislaid. That was a state of things to which the country ought not, and would not, submit—a state of things which, he was sorry to say, had entailed on us a very great amount of disgrace with other nations. He would endeavour to illustrate the administrative system generally in the same plain way. Three or four years before he had the honour of a seat in that House his firm had a claim of 3*l.* 5*s.* 6*d.* against the Admiralty for some freightage on stores. The account was rendered in the usual form, but in about six weeks' time it was returned for amendment because the 3*l.* 5*s.* 6*d.* was not written in words. The account was amended and returned, and in about ten days one of his clerks came to him and said he should have to go to Deptford and Woolwich, and Somerset House and the War Office, and he did not know where besides, before it would be paid.

As he found it would take his clerk the greater part of each day for a week to collect the account, and that while he was so employed they might lose a great deal more by his absence—indeed, the *3l. 5s. 6d.* would scarcely cover his salary, the account was left uncalled for, and he supposed to this day it was unpaid. About four years ago he had another account—he did not remember in which particular department, but he thought it was in the Admiralty—for upwards of 2,000*l.* The account was rendered, and for six weeks it was not passed. The loss of interest on 2,000*l.* for six weeks was a consideration, so he determined one morning instead or coming in early to business, to wait for Government hours, and to get to the Admiralty by half-past ten o'clock. It was a fine summer morning, and after a good deal of jostling, for no one knew him —and if they had, perhaps they would not have cared—he got into a room in which were three desks, and at one of the desks was a gentleman, seemingly very much at his ease, for he sat on an easy chair, with his leg cocked over the arm of another easy chair, whistling to himself the tune of "Peter Dick," keeping time to it on the desk with a ruler. He walked up to the gentleman and said, "Can you tell me anything of this account?" His reply was, "No; I can't say. I don't know anything about it. It has not come to me yet." While speaking to him, in walked another gentleman, who should have been the occupier of one of the empty desks, with his hat cocked on one side and a gold-headed cane in his hand. He did not object to gentlemen cocking their hats on one side or carrying gold-headed canes, if they would attend to their business. Addressing the gentleman who was whistling "Peter Dick," the new arrival said, "I'm off by the eleven o'clock boat to Gravesend. I don't suppose I shall be back before four. You'll keep me all right." The gentleman who had come in then departed, and his whistling friend then said that, perhaps, the account was in his charge. Upon that he (Mr. Lindsay) replied, "I hope, then, when it reaches you, you will not be going down to Gravesend;" and to that observation, having received rather an impertinent answer, with which it was not necessary to trouble the House, he made no reply, and left the office; but as he did so, he could not help saying to himself, "I hope the time may come when I shall be able to assist in rooting out these Peter Dicks, who waste so much treasure, and who have aided in bringing so much disgrace upon the country." But what was the original source whence these evils had arisen? It was the existing system of patronage which created these Peter Dicks, and there were too many of them, both high and low. The time, however, had arrived when such men must be rooted out. The country wanted, and it would insist upon having, competent men employed in their places. He, as a man of business, felt no hesitation in saying that there were at the present moment many men engaged in Government offices in the receipt of salaries varying from 80*l.* to 500*l.* a-year, who not only did no real service to the country, but to pay whom their respective salaries without allowing them to go near the offices to which they were attached, would, he firmly believed, cause a great saving of the public money. But there was, happily for the country, though unhappily for themselves, another class of persons in the public service, consisting of very able, industrious, and energetic men, who were paid salaries far too small considering the duties they performed. In his opinion it was too often forgotten by the Government that talent and industry were as marketable as any commodity, and that if they required those qualities they must pay for them; and one step in advance would be to sweep away at once and at all hazards these Peter Dicks, and add the salaries they had received to that of those industrious men. No doubt could exist in the mind of any one that the time had arrived when administrative reform had become absolutely necessary. What he meant by that expression was, that it was necessary the Government should be made to keep pace with the progress made by those they governed. It was necessary that the mode of conducting business in Government offices should be assimilated to that which existed, and which succeeded so well, in the great banking and mercantile establishments throughout the country. If the Government did not institute a thorough administrative reform, people out of doors would not rest satisfied, because they felt that the present system was rotten at the core, and that the inefficiency of the men who carried out that system was the means of squandering millions of the public money, and that much of that distress and misery which had befallen our noble army in the

East had arisen from want of that reform which he now wished to urge upon the Government.

Sir JAMES GRAHAM: Sir, before my right hon. Friend the First Lord of the Admiralty addresses any observations to the House in reply to what has fallen from my hon. Friend the Member for Tynemouth, perhaps, as I have been referred to, I may be excused if I offer a few remarks to the House. I shall commence my observations by referring to one or two remarks made by my hon. Friend towards the close of his speech. My hon. Friend has stated that administrative reform is necessary, and in dealing with that observation I shall confine myself to the subject of the navy. I do not mean to say that administrative reforms in other departments might not be made, for I am disposed to think that they are necessary, and have been felt to be necessary, and that various Governments have endeavoured to apply remedies; but, not to enter into that subject, I think that, as regards the navy, I may say without vanity that the remarks of my hon. Friend would have been much more applicable twenty years ago than now. At that time I used my best endeavours, acting on the part of the Government of Lord Grey, and with his concurrence, to apply an efficient cure to what then appeared to me to be abuses in the administration of the naval department, and I think that the remedy then applied has served to maintain the efficiency of that department at the present day. My hon. Friend, in referring to our general system of administration, has said—and I hope he did not apply the observation to the naval departments—that it is rotten at the core. Well, Sir, that is a harsh expression. He has likewise dwelt particularly on the system of patronage as an indication of rottenness, and on that point I may say that it does so happen that the present accountant general of the navy, Mr. Bromley, one of the most able servants the country possesses, was only twenty years ago a humble clerk in a dockyard, with a salary under 200*l.* a year. I, at that time, observed the merits of that gentleman, and his character was also reported to me as being most exemplary, and before I left office in 1834, I had the pleasure of promoting him to a higher situation in the department than the one he then held, and by his talents and excellent conduct that gentleman has in the meantime risen from the humble position I have mentioned to be the accountant general to the navy, receiving pay and allowances amounting to 1,400*l.* a year; and he has attained that position wholly and solely by his own merit. That gentleman, I repeat, has risen to his present position, not by favour, but by merit exclusively, and I firmly believe that a more meritorious and able public servant than Mr. Bromley cannot be found. He is known to several Gentlemen on both sides of the House, and I can appeal to the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) as to the manner in which he discharges not only the duties of his office, but in which he has contributed his assistance to the improved administration of several other branches of the Civil Service. My hon. Friend (Mr. Lindsay) has commented at some length upon the fact of there being a deaf and dumb clerk employed in the Admiralty. Well, Sir, the appointment of this gentleman was originally made from charitable considerations, and he has fully justified it by his services and attainments. His conduct was so meritorious, and his talents were of so high an order, that when, before I left the Admiralty on the formation of the Transport Board, I referred the question of appointment to those officers who were most capable of forming a correct judgment, that same deaf and dumb clerk was recommended to me as the most eligible person that could be employed, and he was accordingly promoted. The misfortune of being deaf and dumb is not in itself a disqualification, as the hon. Member appears to consider it; for one of the most distinguished civil servants, a son of Sir W. Napier, has the misfortune to labour under these natural defects, and is yet known to be most efficient and worthy of the highest praise. I am sure that my hon. Friend is the last person to speak with levity of so great a calamity, when, as in the present case, it is combined with talent.

Mr. LINDSAY said, he had not intended to cast any reflection upon that gentleman's abilities. All he wished to do was, to explain the Government system of dealing with accounts.

Sir JAMES GRAHAM: Very well; but I think that the two cases I have mentioned, that of the accountant general and his deaf and dumb clerk, show that the patronage of the Admiralty has not gone by favour. Now, I come to the subject of accounts. My hon. Friend has stated that the system of accounts is a disgrace to this country, and to the advanced science of the age in which we live. Now, Sir, I will challenge a comparison between the naval accounts and those kept in any merchant's office—even in that of my hon. Friend, and I have no hesitation in saying that it will be found that they are posted up as closely, and are kept upon a better system, than any accounts kept by any banker or merchant in London. At the same time, the House will bear in mind the extent of the transactions, and the various items involved, and also the system of auditing used as a security for the public money; and I say that, notwithstanding these impediments, the navy accounts are posted up more closely than those of any banking or mercantile firm. Then, as to the accounts being a disgrace to the country, I can only say that the system was originally copied from the admirable system which existed in France; that, since it has been adopted in this country, the accounts have been examined by the French Government; and Sir John Briggs, to whom the merit of that introduction is due, has told me that he had the proud satisfaction of hearing them express the opinion that the system of accounts adopted in this country was as perfect, if not more so, than their own. Well, then, I ask the House, can that system be fairly spoken of as a disgrace to the country? I shall now, having dealt with that portion of the speech of my hon. Friend, apply myself to the other topics upon which he has touched. My hon. Friend has said, that the number of steamers employed was very great. I admit that, and I must say that he has been just as well as generous; for, although bringing charges himself, he has fully answered many which have proceeded from other quarters. My hon. Friend has said, and has truly said, that when the war broke out, and the urgency was extreme, the tenders were high; but he well knows that the price of a commodity is regulated by the supply. My hon. Friend has also complained that there was a want of a well-regulated system, and he has shown that, with the number of ships, steam vessels and sailing vessels, a greater number of voyages outwards and homewards might have been made, and an infinitely larger service might have been performed, than has been performed. But the House must remember what has been really done during the last twelve months. We have been conveying, a distance of 3,000 miles, from 58,000 to 60,000 troops of all arms, upwards of 6,000 horses, a large train of artillery, all the guns for large field and battering trains, all the forage and the rations necessary both for the fleet and the army. We have also been conveying more than 15,000 French troops from the south of France, with their horses. We have also conveyed from Varna to the Crimea 40,000 Turks and 6,000 horses, and we have undertaken the constant supply of what is necessary for that force by steamers from Constantinople to the Crimea. Last summer, also, we conveyed to the Baltic 15,000 men, making in all somewhere about 100,000 men conveyed, and somewhere about 8,000 or 9,000 horses, besides keeping up the supply of daily rations for somewhere near 100,000 men, conveyed a distance of 3,000 miles. The hon. Member asks, likewise, why we did not move the steamers backwards and forwards; but the necessity of the service renders it impossible. No doubt expenses are incurred and demurrage arises; but when was an army ever trusted upon a foreign shore without being furnished with the means of embarkation? When the Duke of Wellington with his brave army maintained that position of Torres Vedras which has covered his name with immortal glory to the latest time, he was never content without having always in the Tagus the whole amount of transport necessary for the re-embarkation of his army. So also in the China war and the Burmah war. If you invade a country and send your forces to a remote territory, ordinary prudence and caution will teach you the necessity of keeping the means at hand of re-embarking your troops. The naval commander in chief was pressed in the months of June, July, and August, to send back some of the steamers; but the British army was then in Bulgaria, and the resolution was taken to remove that army to the Crimea. So far from being sent back, the steamers were, in the exercise of the discretion vested in the admirals, detained, and they effected, with signal success, that great operation of removing the army from Bulgaria to Eupatoria without the loss of a man or a horse in that expedition. Then there was the advance of the army from Eupatoria to Balaklava, and the occupation of the Chersonesus in front of Sebastopol. Time was occupied in that movement, and it was not thought expedient while it was in progress, and while the issue was at all doubtful, to send the steamers back. The House will remember that the British army had only one port of communication with the sea. That was a very small port and harbour, and the ships were without the means of landing, or of placing in store, anything sent in the nature of supplies. There were no appliances in the way of cranes or wharfs, and this involved the necessity of keeping a large portion of the stores on board ship. Then, with the number of sick, were continually arising demands for removing them from the Crimea to Constantinople, and even more distant stations. Then other and serious demands were made upon the transport service. Our great allies, the French, having an abundance of troops, but not having such a command of steamers as we have, it fell upon us to furnish them with the means of transport, and nearly 20,000 men were sent from Marseilles on board British steamers to the Crimea. Much later, my noble Friend now at the head of the Government, in pursuance of a treaty with the Sardinian Government, has been obliged to furnish the means of transport for conveying 15,000 Genoese from Genoa or Spezzia to the Crimea. Then came the great operation of removing 40,000 Turks from Varna to Eupatoria, who were removed in a period so short, that nothing could exceed the admiration of Omer Pasha, except his gratitude. Upon the whole, regarding the hon. Member as a severe judge, I cannot but hope and think that the House will come to a different conclusion relative to our naval operations. So far from thinking they have been badly performed the greatest credit is due to the British fleet, and particularly to Sir Edmund Lyons, for the manner in which they have executed the arduous and various duties confided to them. My hon. Friend has spoken of a detention of ten days in the river of two steamers, and he speaks of the internal fittings of these steamers as being easily performed; but we have found the fitting out of steamers to be no easy matter, and to occupy much time. My hon. Friend has truly spoken of Captain Milne as a meritorious officer. I do not think that the service that has been performed could have been accomplished without the energy and ability of that officer, to whom the country is greatly indebted. If it were possible for any one man to have continued to manage the transport service, Captain Milne would have done it; but, not thinking it possible for any one officer to manage so vast a service, I thought it prudent to recommend the appointment of a Transport Board. Upon principle I agree with my hon. Friend; I am not friendly to a division of responsibility in boards; but when the House remembers that the transport service involves contracts for 5,000,000*l.*, I think they will agree with me that in such large transactions there is safety in multiplying the checks upon contracts of so large an amount. It therefore appeared expedient and salutary to combine a naval and military officer and an officer of the merchant service in the Transport Board. This board will only exist during the war; the term of office is so limited; and with the end of the war will terminate the existence of the board. When the magnitude of the service has been considered, and all that has been done has been duly weighed, I think that the dissatisfaction stated by my hon. Friend will not be shared generally by the House or by the country.

Mr. ALCOCK said, he rose, pursuant to notice, "to draw the attention of the House to the state of the war in the Black Sea." We were now pretty much where we were when the war broke out, and had made little or no progress—a state of things which he attributed, in a great degree, to the absence of that extraneous assistance which this country ought to have had, and might have had, if the proper steps had been taken with reference to the Caucasus. That independent country, which had the power and the disposition to assist us, which was as large as England and Wales, and four times the size of the Crimea, was held in check by a line of fortresses along the whole frontier between the Caucasus and Russia. Now, if we had but taken Anapa, and thus acquired the command of the Straits of Kertch, we should have gained an important military station, and the Circassians would have been prepared to show their sympathy for their co-religionists the Turks, and for their compatriots, the Tartars of the Crimea. Anapa gave to Russia the entire command of the Caucasus, and, once in our possession, we should have been assisted by the irregular horsemen of that country, inferior to none in the world, and much more than a match for the Cossacks. What an important advantage it would have been to the allied forces in the East to have been aided by 50,000 of these horsemen! To the parts of Russia south of the Caucasus there were only three modes of approach—one by the sea, at present totally cut off; another by a central pass in the Caucasus; and the third by the Caspian Sea. Now, with the communication by water in the hands of the allies, Schamyl could have had no difficulty in closing the mountain pass; and if once we had possession of Anapa, an important diversion might have been created in that quarter. Why this had not been done he could not conceive; and if Lord Aberdeen had been a Minister of Russia, and had accomplished as little in this way as he had done for England, he would have been in Siberia long ago. Then, again, the House was asked to grant a loan of 1,000,000*l.* for the co-operation of 15,000 Piedmontese, but for a fourth part of the sum we were about to give to Sardinia the allies might have had the assistance of 40,000 Persians. He must repeat that it was the duty of the Government to have attempted the capture of Anapa, and our not having the command of this position was one of the reasons why we had made so little progress in the war.

SIR STAFFORD NORTHCOTE said, the hon. Member for Tynemouth (Mr. Lindsay) had referred to the general state of the departments connected with the civil service of the country. It was impossible for anybody who had watched the course of events recently not to have seen that, upon the one hand, immense exertions had been made by Government and by the country to carry on the war in which we were engaged; and that, upon the other hand, in spite of the exertions which had been made, there had existed, and there still existed, in the country a great and growing dissatisfaction at the failures which had taken place. These two facts, though seemingly irreconcilable, might be easily reconciled by the consideration of one simple point. There was an old saying, that "A dead fly made the ointment of the apothecary stink," and in the same manner small failures brought continually under the notice of the people threw discredit upon great transactions. He was confident that many of the failures which had taken place would have been passed over more easily, would have excited much less attention, and would have been excused as the natural incidents of so great and novel an undertaking, if it had not been that circumstances attending other adventures in which the Government had been engaged had given the people an unfavourable impression of the state of the public service generally. He was, therefore, most anxious to impress upon the Government the importance of losing no time, for their own sakes and for the credit of the country, in introducing such improvements into the civil service as would secure for it a better name than it had hitherto possessed. He was not one of those who were disposed to join in a general outcry against the civil service. That service possessed many merits and had connected with it men capable and willing to perform any amount of work that might be thrown upon them. He was conscious, however, that there were many defects in the organisation of the civil service, which rendered the talent and industry employed in it much less valuable than they ought to be. There was one point, however, to which he was particularly desirous of calling the attention of the Government, with a view to obtaining better economy and efficiency. By regulating the admissions into the service, the promotions made in it, and, what was still more important, the distribution of the work connected with it, a considerable sum of money might be saved, and far greater efficiency obtained. There were a large number of men receiving salaries varying from 80*l.* to 300*l.* a year, who, to use the language of the hon. Member for Tynemouth, were hardly worth their salt; while, upon the other hand, there were other men employed whose assistance was most valuable and who did an immense amount of work. What he principally complained of was, that the young men employed in the civil service were set to copying merely, for the first four or five years, and that when they were called upon to write a simple letter, they found themselves incompetent to do so. There was a great difference between serving and experience. There were many who had taken University honours, or received a very excellent education, who went into Government offices, but were kept so long at mere copying that the powers which they possessed upon entering were soon lost. He thought that there ought to be such an arrangement of the offices, that the young men on entering should be able by practice to keep up their knowledge, and he believed that the result of such a change as this would be to attract to the Government service men of a much superior order than could be expected, when the only prospect held out was a miserable salary, and work much beneath the education they had received.

Captain SCOBELL said, he wished to make a few remarks on the subject of the transport service. He did not, however, wish to speak harshly of the errors of the past; he preferred looking forward to the prospect of our learning from those errors wisdom for the future. The right hon. Baronet the Member for Carlisle (Sir J. Graham) had mentioned a single instance in which he had advanced a man on the score of merit; but he (Captain Scobell) wished to see that ground of advancement universally adopted. During the last four years there had been at the Admiralty four First Lords, there had been several changes in the junior Lords, and there had been three or four Secretaries. How could a Board work well with such numerous and rapid changes? He confessed he felt surprised that the English transports in the Black Sea had not volunteered to carry out a greater number of French troops; and he believed that if those transports had been properly managed, they would have performed double the work they had done. The great source of the failures in the transport system was, that there had been no person to superintend the stowage of the different vessels. The consequence of that want of superintendence was, that no one knew where anything ought to be put, and of course no one could know where anything was to be had on the arrival of a ship at its destination. Most hon. Members would have heard the anecdote of the vessel loaded with boots being despatched from Balaklava to Constantinople for shoes—[Sir J. Graham: That is altogether untrue.]—and in other instances, which were well authenticated, vessels had been sent for goods of which there was an abundance at the time at Balaklava. But the worst feature in the whole of the transport service was the miserable provision, or rather want of provision, for the conveyance of the sick and wounded. These poor men were huddled together in the vessels in a manner worse than cattle. With respect to the comparative advantages of employing a board or a single individual, he would observe, that although an individual could not himself do everything, there was no reason why he should not have the assistance of others, without the establishment of a board; and it appeared to him that greater efficiency would be secured by entrusting the supreme management to one person than by dividing it among several.

Mr. CAYLEY said, the denial by the late First Lord of the Admiralty, of the anecdote to which the hon. and gallant Gentleman who had last spoken had referred, ought to have been made five months ago, when all such statements were said to be untrue; but there was no mismanagement to which the country would not now give credit. The right hon. Gentleman admitted mismanagement generally, but he always defended particulars—apparently acting in every special case upon the maxim of the demagogue Wilkes, never to defend himself against a charge upon the hustings, but to deny it *in toto*. He certainly placed confidence in the dispassionate statement of the hon. Gentleman who had introduced the subject, notwithstanding the denial of everything by the right hon. Gentleman. Lord Derby's Government, which consisted of untried men, had been turned out to make room for the right hon. Gentleman, who was, *par excellence*, the great administrator of the country, and his friends, although they had no followers, solely on account of their supposed administrative abilities; and the public had now had an opportunity of judging of those abilities. He acknowledged the right hon. Gentleman's administrative power so far as method and order were concerned; but those were not the only qualities required for conducting a war successfully; and those very checks which the right hon. Gentleman so much admired had been the curse of all our operations. It was in consequence of them that our army had been starved to emaciation and death; and yet the right hon. Gentleman still defended them. A friend of his, who had gone out to the East from one of the public offices connected with the war, disbelieving before he went the statements made by *The Times* and the rest of the press with regard to the condition of the army, had written to say that he could not now but acknowledge the truth of most of those statements, while, at the same time, he added that the curse of the place was pen and ink. It was not very often that the House had practically the power of very minutely analysing the estimates, but when they saw so large a sum as was proposed asked for the transport service alone, it became the duty of the House to examine into the details. The amount of work done they could only judge from what they saw before them. When the

Navy Estimates were moved, the first estimate had not been passed up to ten o'clock at night, and as he understood from one of the Lords of the Admiralty there was no likelihood of the transport service coming on that night, he had from indisposition quitted the House. The transport grant was, however, agreed to, and this was his excuse for troubling the House on the present occasion. The whole tonnage connected with the transport service by the papers before them was as follows: 42,000 tons for the navy, 18,000 for the army, 19,000 for the ordnance, 7,000 for Malta, and 8,000 tons for the French —in all, about 94,000 tons, exclusive of 158,754 tons of coals. The charge for this was no less than 2,600,000*l.*, or 25*l.* per ton, and this year to be doubled, the ordinary charge just now for freightage to Australia, 17,000 miles instead of 3,000 miles, being only 45*s.* per ton. He did not pretend that this was an accurate estimate, but the only approximation that could be made from the figures before them. Now, who was responsible for all this? In his opinion it was the right hon. Gentleman (Sir J. Graham) then First Lord of the Admiralty. He considered that one of the gravest charges brought against the conduct of the transport service was the mode in which the coaling of the vessels had been conducted. Look at the cases of the *Emperor* and the *Arabia*, as showing the great want of system that had prevailed at Constantinople in coaling the vessels, and the enormous expense that the country had in consequence been put to. In some cases the coaling of the vessels cost 10*l.* or 11*l.* per ton, although coals were only 4*l.* per ton at Constantinople. One would have imagined from the profuse expenditure of public money, from the number of ships employed and lying idle in port, that there would have been abundance of land transport in the hands of the commander of the forces, to import forage for horses, but this was one of the most terrible privations to which the army in the Crimea was exposed. The horses died for want of forage, which was lying in the ships in Balaklava harbour; and the soldiers wanted food, clothes, and ammunition, and could not get them for want of land transport, and the gross and scandalous mismanagement and confusion in Balaklava harbour. When the horses were ill there was no medicine to be found, though it was lying there or being bandied about from port to port, from the month of June. One would have thought there would have been economy in the use of the fodder when it was scarce; but instead of that, one-half of it was wasted from the want of nose-bags. Lord Lucan asked Lord Raglan's permission to send to Constantinople for provisions for men and horses, but all sorts of obstacles were thrown in the way, when all facilities should have been afforded. With regard to the want of horses and mules for land transport, the propriety of purchasing mules in Spain was suggested to the Government in March. This suggestion was not adopted until three months afterwards; the first batch of 300 mules was sent off in August, and the second batch was not sent till the middle of December, for want of sea transports; while a great number of ships, according to the evidence of the Earl of Cardigan, at that time remained unemployed at Balaklava. Then, again, the horses had been conveyed under an ill-digested system, and great numbers had died; whereas, under the Hull system of conveyance, it was well known that but few casualties happened, and that the horses were landed in good condition. There had also been a great want of horse medicine; large quantities were taken out and had arrived in June, but these were not discovered until January. What security had they, that the new transport board would prove more efficient than had the Board of Admiralty? Captain Drew had been mentioned as a practical man, connected with the board, but he believed he was between sixty and seventy years of age; and, indeed, it appeared to be one of the conditions of this war that it should be conducted by old men. He thought that, since the appointment of the new transport board, circumstances had occurred which were not very creditable to their arrangements, especially with regard to stowage of transports. In the case of the *Telegraph* it was clear that great negligence had existed, and he considered that experienced stevadores should be always present at Deptford and Portsmouth to superintend the stowage of transports. It was well known that the troops had not been properly supplied with ammunition. Even four or five days after fire was first opened upon Sebastopol the supply of ammunition fell short, and Captain Shakespeare stated that during the affair of the 25th of October, at Balaklava, he was for an hour without ammunition for his guns, and yet the right hon. Baronet (Sir J. Graham) defended the system of retaining the ammunition on board the ships in the harbour of Balaklava. A near and dear relative of his (Mr. Cayley's) had been a month before Sebastopol in October, he had fraternised with all classes of the armies, officers, soldiers, Jack Tars, Zouaves, and Turks, and from him he had received most lamentable accounts of the condition of the troops, showing that, even at the end of October, the soldiers were wasting away, that the officers were dispirited, and that there was a want of confidence in head-quarters. Those accounts were of so melancholy a nature, and appeared to him so important, that he hesitated as to whether he ought not to communicate them to the noble Member for the City of London (Lord J. Russell), who was then the leader of the Government in that House. He decided otherwise, however, and he offered the information to *The Times* newspaper, stating to the conductors of that journal, in general terms, the contents of the letters he had received. *The Times* newspaper had afforded such full information on the subject of the war that he felt it right to offer his information to that journal, if its conductors required additional evidence as to the state of the army. A great deal had been said about *The Times* newspaper; and, although the press generally had afforded very valuable information with respect to the conduct of the war, he would refer to *The Times* in particular. For a considerable period *The Times* had been held up to odium as misrepresenting the state of things in the Crimea; but he would like to know who now thought *The Times* had made such misrepresentations? Was there any one who did not now believe that the Commissioner of *The Times*, and the other newspaper Commissioners, had been the means, under Providence, of saving our army from actually perishing? He believed that, had it not been for the representations made by the press, the whole of our army must have perished, for they would not have received the succours which had been sent out from this country in consequence of those representations. *The Times* had not only been accused of misrepresentations, but it had been accused of making those misrepresentations from improper motives. He did not think he was committing any breach of confidence

in stating that the answer he received to his offer to communicate to *The Times* the information contained in the letter of his correspondent was this—

> "We don't require any additional evidence. We have the evidence of every person who writes from the Crimea, and of every person who arrives in this country from the Crimea. We have ample evidence of all which your letters appear to contain."

This, be it remembered, was at the end of November. But the editor of *The Times* went on to say—

> "The task is so odious, of inculpating persons at head-quarters, although the evidence appears to us complete, and if the facts can be substantiated, it is at this juncture so doubtful whether, upon the whole, the public service would not rather be disserved than served by the exposure, that we refrain from availing ourselves of the communication."

This occurrence took place at least a month before *The Times* began what were called its attacks upon Lord Raglan. He thought it only just to make this statement with respect to *The Times* newspaper. *The Times* had never been civil to him. When he had brought forward questions in that House, *The Times* had generally given him "the cold shoulder," and had treated him rather cavalierly, but he had considered himself bound in justice to make this statement. He believed, from information he had been enabled to gather, that there had been a great waste of money in the transport service, and that, if practical men had been employed in its superintendence, at least one-third of the amount which had been expended might have been saved. He regretted on this occasion the absence of some hon. Gentlemen who usually assume to exercise a very vigilant supervision with respect to the public expenditure. He believed that if the expenditure of this country for the war was compared with that of our Allies, it would be found that our expenditure far exceeded, in proportion, that of the French Government. But why should it do so? Every material of war was as cheap here as there, many much cheaper. The people of this country did not grudge any expenditure which was necessary for carrying on the war, for they were desirous to prosecute it vigorously, and to bring it to a successful issue, but they wanted their money's worth for their money. For his own part, he did not think the people did get their money's worth, for the shortcomings and neglect of the late Government, at the commencement of the war, had led to attempts to atone for their procrastination by a profuse, he might almost say, a profligate expenditure subsequently. The cost of feeding our army was of course considerable—but it was stated that, on average, it had amounted to as much as 1*l.* per day; yet the firm of Baines and Co., of Liverpool, had offered to furnish the army with provisions by contract at the rate of 3*s.* 6*d.* per head. In this proposed contract it was offered to supply daily to each soldier a pound of bread, a pound of beef or pork, a pound of preserved potatoes, a pint of ale, and half a gill of spirits, and they calculated that to enable them to do this four steamers of 1,200 tons burden each, besides four more for conveying fresh meat from the shores of the Black Sea, would be amply sufficient. Surely, then, the necessity for that amazing amount of tonnage which the Government had engaged might be seriously doubted. It might have been perfectly competent for the Government to require from contractors a month's supplies for the army to be furnished in advance, and still private enterprise might have provided a cheaper and safer mode of feeding our troops and preserving them from starvation. Mr. Green, of Blackwall, stated that while the *Resolute* was in the Government service she was about three months in port, and two months at sea; and yet the House was told by the right hon. Member for Carlisle that there had been no waste of tonnage. In all the operations of the war nothing seemed to have been done in time. The Government ought to have known that rapidity of action so indispensable in war—which was an affair of a word and a blow—was utterly incompatible with that cumbrous system of checks of which the right hon. Gentleman was so enamoured. They seemed to have imagined that the mechanical law might be true in war, that what you gained in velocity you lost in power. If there had been any exception to the rule of "too late" in the policy of the Government, it was that they had made Lord Raglan a field marshal when they received the telegraphic news of the battle of Inkerman, without waiting for the details, when it turned out, after all, to be the soldiers' and not the general's battle; and they had also made Mr. Samuel Morton Peto a Baronet because he proposed to construct a railway from Balaklava to the camp, instead of waiting till he had first executed his task, and then conferring this honour upon him. Her Majesty's ships went out without any preparations having been made for the rapid embarkation of guns and of cavalry; and in that state of things Mr. Roberts, the commander of Her Majesty's Ship *Cyclops*, invented a most ingenious and simple plan of pontoons, which was greatly approved, but not adopted until at his own expense he had provided some; when they were adopted, and enabled that rapid embarkation to take place at Varna, which had been so much admired. In fact, no service of greater importance had been rendered by any individual during the war than that which was thus performed by Mr. Roberts, and it had been presumed that he would be promoted. Whether he had received his promotion or not he (Mr. Cayley) was not aware, but certainly a better officer than Mr. Roberts could not, he (Mr. Caley) understood, be found in Her Majesty's service. On the whole, then, the responsibility for the management of the transport service must be brought home to the Admiralty; and to the inefficiency of that service must be ascribed the most serious calamities which had befallen the army in the Crimea. It was not our business to criticise or condemn the conduct of either Captain Christie or Admiral Boxer, who were both servants of the Admiralty. It was their masters, the Board of Admiralty, that this House should visit with its severe reprobation. War was as distasteful and repugnant to him (Mr. Cayley) as it could be to the hon. Member for Manchester (Mr. Bright), and yet, by some inscrutable design of Providence, it seemed to subserve in the political world ends analogous to those effected by storms in the natural world—by clearing the atmosphere from accumulating impurity. If war, then, must be waged, it ought, at all events, to be conducted with energy and vigour. For after all it was nothing—appeals to justice failing—but a struggle to know which was the strongest. It was a trial of strength; and it had better be tried out, than by any indecision in the matter, give rise to frequent repetitions of the same struggle. This, however, had not hitherto been the case; and it was to be hoped that the noble Lord (Viscount Palmerston), taking warning from the errors of those who had preceded him, would insist upon every department being carried on with efficiency. It would be some compensation for the calamities of the war if, out of the chaos resulting from ofcial incompetency, from obsolete pedantries and drivelling formalism, there should arise a system of order, efficiency, and vigour—a system that would stand the test of practical experience, and prove something more than a solemn sham and a gigantic imposture.

Mr. BENTINCK said, that when the right hon. Gentleman (Sir J. Graham) stated that he had sanctioned the formation of a Transport Board, because the superintendence of the business of the transport service was too arduous a duty for one man to discharge, he had—unconsciously, no doubt—laid bare the real secret of the errors and inefficiency of that board. A division of labour involvéd a division of responsibility—the one could not be obtained without the other. So long as they continued this system of divided responsibility, so long would they have the duties of the service inefficiently performed. He was glad to have heard it stated in the course of the debate that administrative reforms were contemplated; he trusted that amongst those reforms they would have to reckon the discontinuance of that system which had existed in this country from time immemorial—namely, that of placing civilians at the head of the naval and military departments. They might rely on it, so long as that system was maintained, that the duties of neither the one nor the other would be efficiently conducted. He cared not how great might be the administrative ability of any individual, if he was not thoroughly conversant with all the details of the profession over which he was appointed to preside—whether it was from his habits, his education, or his pursuits—all his efforts on behalf of the service must prove abortive. The present system was to place men at the head of the army who were not capable of managing a corporal's guard, and at the head of the navy persons incapable of taking charge of a coaster. He could mention the following cases as illustrative of the position which he had assumed; and he would do so the more readily as he saw the right hon. Baronet the Member for Carlisle in his place. It would be in the recollection of the House that upon a former occasion, when the right hon. Baronet the late First Lord of the Admiralty having replied to a question which had been put to him—and he (Mr. Bentinck) would direct particular attention to the fact, that the statement was volunteered, and showed that the right hon. Baronet considered the fact of importance—well, having so replied to the question put to him, the right hon. Baronet proceeded to say that he would take that opportunity of adverting to certain rumours that were in circulation relative to the loss of the *Prince* transport, outside the harbour of Balaklava. The right hon. Baronet then referred to certain reports in the newspapers, to the effect that the *Prince* had been lost in consequence of her chain cables not having been properly clinched; whereupon he informed the House that the chain cables of the *Prince* had been properly clinched, and that the loss of that vessel could be attributed, therefore, to no such cause. Having taken a great deal of interest in the matter, he confessed at the time he was not a little surprised at such a statement coming from the right hon. Baronet; still he hesitated, not feeling himself fully informed, to take notice of it. However, only a very few days ago, he happened to obtain possession of a document which confirmed in the fullest manner the impression which he entertained at that time. It would appear that so far from the facts being as stated by the right hon. Baronet, he was himself completely misinformed upon the subject. He held in his hand a description, a sketch of the manner in which the chain cables of the *Prince* were clinched, which he would be most happy to place in the hands of the right hon. Baronet or any other Member, and it would convince them that the chain cables were clinched in so imperfect a manner as to account for the loss of the vessel. In corroboration of that fact it was stated that the *Perseverance*—a vessel which had been performing lately certain rather curious gyrations in Woolwich Dockyard—had her chain cables clinched in a similar manner to the *Prince;* but on the news of the disaster relative to that transport reaching this country, the attention of the authorities was directed to that fact, and the chain cables of the *Perseverance* were clinched in an efficient manner. Now, he need not remind the House that the right hon. Baronet had had the most ample means of obtaining information upon this subject; however, naturally taking the report drawn up for him as correct, he made no further inquiries. But if the right hon. Gentleman had been a professional man he would have asked one more question, and which would have relieved him from the necessity of making such a statement to the House of Commons—he would have said, "Show me how these chain cables were clinched."

Now, that, perhaps, might be a trifling instance of the consequences of their system; still, trifling as it was, it showed that even if a man were as distinguished for his talents as the right hon. Baronet it was impossible for him to conduct the affairs of a service with which he could not, by any possibility, be conversant. As he had said, therefore, he hoped that when this millennium was come about, the first of these administrative reforms would be made in this direction. But he also understood the right hon. Baronet to have dissented from some statements with respect to a cargo of boots and shoes that had been alluded to. Now, although he was unable to contradict the right hon. Baronet, he might mention another case of mismanagement, which did go to prove that such an occurrence was by no means impossible. The *Kangaroo* transport had started from Varna for Eupatoria with the rest of the fleet, a portion of the Coldstream Guards being on board. When the troops landed at Eupatoria the *Kangaroo* was ordered round to Balaklava with the knapsacks of the regiment. She proceeded to Balaklava, but from thence she was despatched upon some other duty, without the knapsacks having been landed, and she returned to Balaklava in about a month, the knapsacks still on board, but the whole or nearly the whole of them were broken open, and their contents removed or destroyed. Now, though the story of the boots and shoes might be denied, there could be no doubt whatever as to the accuracy of the statement he had just made.

ADMIRAL BERKELEY said, the hon. Gentleman had chosen a very unfortunate case in illustration of his argument against entrusting the administration of the army and navy to civilians, because it so happened that the right hon. Baronet who lately presided over the Admiralty, did make every inquiry into the point whether or not the cables of the unfortunate *Prince* were clinched. They were not clinched, but the former owners of the ship, and the men who lashed the cables round the masts, put in their affidavits to show that they were well lashed and properly secured. The right hon. Baronet, therefore, knew as much of the circumstances as the hon. Gentleman. Again, the hon. Member for the North Riding of Yorkshire (Mr. Cayley) complained of the Admiralty, because Mr. Roberts, the late master of the *Cyclops*, had not been promoted. He had the satisfaction of assuring the hon. Gentleman that that excellent officer had obtained—and entirely through the right hon. Baronet the Member for Carlisle (Sir J. Graham)—one of the best situations which could be held by a master in the navy.

MR. JOHN MACGREGOR said, nothing was easier than to find fault with the heads of departments, but it was very difficult for the heads of departments to prevent mistakes on the part of their subordinates. What was wanted was a reorganisation of the departments in such a way as to put an end to the blunders which Ministers of State could not possibly prevent. Several irregularities in the mode of conducting business had taken place, and the manner in which the various supplies were put on board ship for the East never could be justified. Articles which ought to have been shipped in one vessel had been stowed in several. He was convinced that any contractor would have managed matters very differently, and would have taken care that necessary articles never should be missing. He did not blame the Minister at the head of any department for the mismanagement, but he maintained that there should be a different organisation of the departments. He thought the country would be grateful to the hon. Gentleman who had brought this matter forward; and he hoped they would all join in helping any Government —not the present one especially—that would exert themselves properly, and oppose those who would not endeavour to bring about an honourable peace.

MR. H. BROWN said, he had some experience in the transport service, and had not heard a single fact adduced, in the course of the present discussion, on which the House could arrive at a conclusion. The hon. Gentleman who had brought the measure forward had not pointed out a single remedy for the evil of which he complained. He believed the great fault of the system pursued by the Government was, that they paid for time, instead of for services performed. The French Government made the essence of the contract the service, and therefore the work was done well and quickly. He had now several vessels in the service of the French Government, and he could speak to the superiority of their system. The French Government gave a premium of 1*l.* a ton if the passage was made in a given time; and the result of this arrangement was, that the captain and all parties concerned were directly interested in the speedy accomplishment of the voyage. Look at the emigration service. There the Government adopted the service system, and not the time occupied, and the difference was shown by the fact that, while the cost of transporting emigrants 16,000 miles to Australia was only 10*l.* a head, exclusive of provisions, the cost of sending each soldier to the Crimea was 150*l.* In fact, the cost of transporting troops was five times that of transporting emigrants, while the accommodation was not as good by one-third. He knew the case of a vessel that lay in Dublin for thirty-five days to take in sixty men and thirty-two horses—the cost of the ship while lying at Dublin being at the rate of more than 22*l.* per man. Another vessel to which he would refer was chartered to sail from Liverpool for the Crimea. Great delay took place, but at length this vessel, which was of 841 tons, took twenty men and fifteen horses, at a cost of 125*l.* for each man, and 300*l.* for each horse. He could give hundreds of similar cases, of which we might well be ashamed. He was astonished to hear the right hon. Baronet (Sir J. Graham) say that the transports lying at Balaklava were there in case they should be wanted for the re-embarkation of the troops, for in the House of Lords some nights ago the War Minister stated the very opposite. Everything connected with the transport service had been conducted in the most shameful and disgraceful manner, and he did not think the hon. Gentleman who brought forward the question had at all overstated the case.

Colonel KNOX said, he had not intended to address the House, but, after the "bumptious" speech of the Secretary to the Admiralty on a previous occasion, he could not help saying a few words, though he observed that the hon. Gentleman was not now present. The hon. Gentleman had challenged any one to deny that the Admiralty had not been the best managed of all the departments. Now, he believed that it was to the mismanagement of the transport service all the miseries of the campaign in the Crimea were owing. He wished to make a few observations as to the transport service, and more particularly with reference to one vessel which had been mentioned—the *Kangaroo.* As the discussion was on, he wished to put it to the noble Lord at the head of the Government, whether the officers were to be compensated for the loss of their effects. There was one officer in particular who lost to the value of 200*l.*, and was compelled to go to the same expense over again. He did not think it fair that those Gentlemen should be permitted to lose the value of those things, and that the culprits, whoever they might be, should go scot free. He was one of those who attributed the whole mischief and misery of that army to the transport service, and he charged the whole of the evil at the door of Admiral Boxer. Would it be believed that instead of removing that officer altogether, the Government merely changed him to another station, where he would have every opportunity of making things worse? The right hon. baronet (Sir J. Graham) could have easily learned that a number of transports were lying idle at the Bosphorus doing nothing. At a time when their services were so much required there were sixty at least lying idle there. When a man at the head of a department had acted so improperly, the Government, instead of removing him, placed him in a situation where he would be capable of doing more mischief.

Sir CHARLES WOOD: I am sorry, Sir, to say that the absence of my hon. friend the Secretary of the Admiralty is owing to the death of a near relative, and therefore I do think that before hon. Members indulge in such observations as we have just heard they should take a little trouble to ascertain whether there is any just ground for them. The hon. and gallant Member has made an unjust attack upon Admiral Boxer, for every report which the Government have received shows a considerable improvement in the state of the harbour at Balaklava since the appointment of Admiral Boxer to that post. I will not detain the House at any length, or wander into those points which have occupied the attention of hon. Members, but which have little or no connexion with the transport service; but, on the whole, I must express my thanks to the hon. Member for Tynemouth (Mr. Lindsay) for the testimony he has given with respect to the efficiency of the management of the transport service, and especially of the officer under whose charge the transports were taken up; and I will say, that a better public servant than that officer the Government or the country does not possess. Some observations have been made with respect to the high rate at which the troops have been conveyed, but the House will recollect that shipowners taking a cargo for their own benefit are able to convey passengers at a much lower rate than a vessel conveying troops, and which takes nothing else. So, in the like manner, if a vessel is employed to go backwards and forwards, conveying troops between particular places without delay or stoppage it might be done at much less trouble and cost. If men could be moved like pieces on a chessboard, then there might be some ground for complaint. But what was the fact here? The officers in command in the Black Sea wished to retain the transports in case their services were required for moving troops from one port to another; and, although complaints are made of vessels of large size being kept idle, the practical effect was, that they were rendered available for the purpose of conveying the troops from Varna to the Crimea. Then, again, with respect to the vessels detained there, they were detained not at the wish of the Admiralty or any other authority at home, but because it was the desire of the generals that they should be available for any service the necessity of which might arise. Whatever complaints may be made with respect to the ships which are now lying in Balaklava harbour, all I can say is that the best judges are those who were present upon the scene of operations, and they may deem it necessary that they should have the power of moving the troops at all times at their command. It is very easy to bring forward general accusations. Such accusations are very difficult to answer until they are brought to the test; but I boldly assert that not one single specific charge which has been brought forward has turned out to be correct. What was the case with respect to the assertion regarding the boots and shoes? It was utterly false. Then, again, there was an equally erroneous assertion with respect to the stowage of the medical stores in the *Prince*. It was alleged that the medical stores were placed below the Ordnance stores, whereas the assertion turns out to be utterly untrue, for the Ordnance stores were placed at the bottom of the hold, and the medical stores above them. They were, therefore, perfectly accessible, and there was no reason why they should not have been landed at Scutari, except the anxiety of the captain to proceed to the Crimea. Whenever there has been a specific charge it has been contradicted, and I do think that a little more inquiry would have prevented much misapprehension upon the subject.

COLONEL KNOX said he must apologise for having referred to the Secretary of the Admiralty, but was quite unaware of the cause of his absence.

MR. G. DUNDAS said, he could give the First Lord of the Admiralty an instance of stores being improperly stowed. The *Tynemouth* was engaged to take out some heavy guns to Malta and shot to the Crimea. The shot was stowed on the top of the guns, and the guns were in the *Tynemouth* at the present moment.

SIR CHARLES WOOD said, he would inquire into the case.

The House then went into committee *pro formâ* and immediately resumed.

The House adjourned at a quarter after One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, March 26, 1855.

MINUTES.] PUBLIC BILLS.—1ª Militia (Ireland); Intramural Burials (Ireland).

THE QUEEN'S MESSAGE—THE MILITARY CONVENTION WITH SARDINIA.

Order of the Day for considering Her Majesty's most gracious Message of Friday last, read.

THE EARL OF CLARENDON: My Lords, in moving your Lordships to take into consideration Her Majesty's gracious Message, I feel that it would be unbecoming in me to detain your Lordships for any lengthened time, as I think that your Lordships would consider that it would be superfluous for me to offer any argument in support of the Address in answer to the Message which I intend to propose; because, my Lords, although the treaty which, by Her Majesty's command, was proposed to the Sardinian Government has only recently been ratified, we must all agree that the treaty is one which has long since received the assent of Parliament and of the nation. My Lords, I well remember the cheers which from all parts of this House greeted the noble Earl opposite (the Earl of Ellenborough) when, with even more than his accustomed fervour and eloquence, he declared the gratification he had experienced upon learning that the treaty had been signed, which has since been laid upon your Lordships' table. The only drawback which there appeard to be to the satisfaction of the noble Earl was that diplomacy had had something to do with the matter. It will, therefore, be agreeable to your Lordships to learn that no solicitation was required to be made on our part to the Sardinian Government to bring about a result which, I must say, more than any other event of a similar kind within my recollection, has been received with satisfaction by all ranks and classes of the people of this country. The only merit which diplomacy or Her Majesty's Government can claim, is having thought that the time had arrived when an invitation to the Sardinian Government to adhere to the Anglo-French treaty of April 10 might be acceptable. We were not disappointed in our expectations; for within a very few hours after the proposal was made to the Sardinian Government by those of England and France, the Sardinian Government, acting with that vigour of purpose and perfect good faith which characterise all its proceedings, and which has secured for it success at home and respect abroad, agreed to those preliminaries which left us in no doubt about the ultimate arrangement of the treaty. I think it will not be unacceptable to your Lordships to learn the precise grounds on which the Sardinian Government adhered to the Anglo-French treaty, and I will, therefore, read to you a short extract from a despatch from the President of the Council and Minister for Foreign Affairs, M. Cavour, which has been officially communicated to Her Majesty by the Minister of Sardinia in this country. In that despatch he said—

> "When the treaty of alliance of April 10, 1854, between France and England was officially communicated to Sardinia, the Government of the King, while it recognised both the right and the duty of the Great Powers to oppose the encroachments of Russia, and to defend the Ottoman Empire from an unjust aggression, while it proclaimed its sincerest sympathies in the cause which France and England were generously defending, nevertheless abstained for the time from availing itself of the stipulation in article 5 of the treaty. Now, however, the war has assumed great dimensions in the East and in the Baltic, and the whole world is convinced that the question which is agitated in the East is a European question, all are now agreed that if the Great Powers have in it an interest more direct, the States of second order are threatened in their commerce, and, what is of more importance, in their independence, by the ambitious progress of Russia. The moment is therefore arrived for opposing to the vast means of action that she possesses, and even the enormous advantages of her geographical position, the united efforts of the Powers, who, free from all ambitious projects, aspire only to guard against dangers which it might afterwards be too late to avert, and to secure the triumph of the eternal principles of justice and of right."

My Lords, to a Government animated by such sentiments no solicitation was necessary. Nor should I omit to remind your Lordships that, in adhering to the Anglo-French treaty, Sardinia had adhered to that article of the treaty which I will call the self-denying article—the article by which England and France bound themselves to derive no advantage from the war—a stipulation which is not, I believe, to be found in any other treaty, and which, therefore, reflects the more honour upon those who have set such an example. Sardinia adheres to that engagement, and thereby meets the accusations which might and would otherwise have been brought against her of wishing to engage in this contest in order hereafter to procure territorial aggrandisement, profiting by the troubles the war produces, or claiming such advantages on the proclamation of peace. Sardinia takes her full share in the war, and I think it is honourable in her not to demand any such advantages. She makes no such demand; but her finances not being equal to meet the expense of placing upon a war footing a large force whose numerical strength is always to be kept up to a certain amount, without undue taxation to the people, she applied to England for an advance of money, the interest of which she will pay and will provide a sinking fund for its ultimate redemption. Not having means of transport at her disposal, she also asked that these troops should be conveyed by us. Her Majesty's Government, waiting the approval of Parliament, have agreed to the advance of money, and at this moment a British fleet is on its way to Genoa, where it will embark for the theatre of war these men who, if reports be correct, are inferior to none in Europe in organisation, in discipline, in equipment, and in courage. This will be effected at no eventual cost to England, and at a much less present expense than that for which a similar number of British troops could be sent out. The extract which I have just had the pleasure of reading shows the complete identity of purpose which now unites Sardinia with England and France in this contest. Give me leave to say, also, that I think it manifests the spirit of independence and of justice which animates the Sardinian Government, by which they have been able to surmount many and peculiar difficulties at home, and by which, while scrupulously fulfilling their engagements with foreign Governments and maintaining good faith, they have secured for themselves rational liberty and constitutional freedom. With their struggles we in England have always sympathised; we have rejoiced at their success; but we have never directly or indirectly interfered in the matter. I believe that one great cause of the success of Sardinia is that it has been wholly free from the action of foreign Governments. The institutions which its people have given to themselves are of native growth and culture, and are on that account stronger and more deep-rooted, and better adapted to their purpose. Sardinia has been free from the curse of foreign parties in her own territory, intriguing and competing for a nominal and worthless influence; and such complete confidence has been established among all classes, that the King, with the full approval of his Parliament and his people, is enabled to send forth the flower of his army to contend in a just cause, without a thought or a fear of revolution or disturbance. My Lords, Sardinia is a territory small in itself, but she will raise herself in the scale of nations by taking part in the settlement of one of the greatest questions that has agitated Europe in modern times, by placing her army side by side with those of France and England—destined to share the same toils, the same dangers, and, as I hope, the same triumphs. I think also we may anticipate, hereafter, a closer alliance between England and Sardinia, founded upon a more intimate knowledge of each other, and an increase of that kindly and cordial feeling by which the people of England are now animated towards her. The noble Earl concluded by moving that an humble address be presented to Her Majesty, thanking Her for Her most gracious Message, and promising Her the support of the House in carrying out the stipulations of the Treaty She has entered into with the King of Sardinia.

THE EARL of HARDWICKE wished to say, that he concurred most completely with the Address which the noble Earl proposed to lay at the foot of the Throne; and if he were to make any remark upon the subject, it would be, that he quite agreed with the noble Earl, not only as to the policy of supporting the treaty, but also in the high encomiums which the noble Earl had bestowed upon the Sardinian Government. He had himself had an opportunity of knowing many persons who were connected with the army of that country; and amongst them he had always found a generosity and nobility of character, which he had not been prepared to meet with very frequently amongst the Italian people. The Sardinian people, whatever unfavourable circumstances they might have had to contend with, possessed a very high sense of the value of liberty, and a genuine love of liberal institutions, which they had cherished in the face of the greatest difficulties, and without the assistance of any foreign Power. There was no nation, he believed, to the south of France, which had evinced so great a capacity of self-development, not only in the improvement of her agriculture and commerce, but in the growth of her liberal institutions, as the Sardinians had. There were no people animated with a higher sentiment of national honour. He (the Earl of Hardwicke) had had an opportunity, too, of seeing what the Sardinian soldier was. A better disciplined force, he believed, existed not upon the face of the earth. At the time he saw them they were a defeated army; they had just suffered a severe defeat at the battle of Novara; but he found them, even in that condition, an organised body of men, and commanded by most able officers, and at their head was General de La Marmora who was about to proceed to the Crimea at this time. He could state, for the satisfaction of the English army, that the General was a man of high ability, whose soldierlike qualities would merit their esteem, and that he possessed, moreover, so much openness, frankness, and nobility of character, that he would be always accessible to their communications, and receive them in a congenial manner; the General was a good soldier, and a perfect gentleman.

THE EARL OF SHAFTESBURY said, that much as the present unhappy war was to be deplored, it would not be unattended with some compensatory circumstances, one of which was the intimate relations about to be established between this country and Sardinia, and the position which that country was about to take among the nations of Europe, a position due, not to her geographical extent or the number of her people, but to the vigour of her principles, the nobility of her efforts, and the wise and righteous administration of such men as were now at the head of her affairs. The people of this country are regarding with the most intense interest and anxiety the struggles of that noble country for civil and religious liberty—for independence without and independence within; and if —which God forbid—the Government should be called upon to appeal to the people of England to defend Sardinia against external aggression—come from whatever quarter it might—rely upon it they would meet with such a response from the most northern to the most southern point of England, from John o'Groat's House to the Land's End, as had never before been made.

Address *agreed to, Nemine Dissentiente;* and Ordered to be presented to Her Majesty by the Lords with White Staves.

POSTAL COMMUNICATION WITH AUSTRALIA.

THE EARL OF **HARDWICKE** said, he was charged with a petition from the Australian Postal Association, praying for the re-establishment of the Postal Steam Service between Australia and England, in explanation of which he would describe the strange position, at present, of the postal service between this country and Australia. The question of postal steam communication with Australia had been agitated since 1846. In 1851 the attention of Parliament was particularly called to the subject, and a Committee was appointed, on the Motion of a noble Lord in the other House, to make inquiry into the postal service of Australia. The result of that inquiry was that two special contracts had been entered into to carry on that service. One contract was made with the Oriental Steam Navigation Company to carry the mails to the Mediterranean, whence they were taken to Singapore, to be from thence conveyed to Australia; the other arrangement was for their conveyance by way of the Cape of Good Hope, and the contract was given to the General Screw Steam Navigation Company. These arrangements were for alternate months, the mails of one month being conveyed by one route, and of the next month by the other way; and the time occupied in so carrying the mails to Australia was, by one route, from sixty to sixty-five days, and by the other route, from sixty-four to seventy days. Such were the arrangements up to the commencement of the war. Whether they were perfectly satisfactory or not he would not say, but they gave a constant and tolerably rapid communication between Australia and the mother country. Now, the great importance of that communication was evident from the fact that the mails carried *viâ* Singapore generally amounted to thirty or forty tons in weight, contained in 300 or 400 boxes; and the amount of postal revenue received on them was now 90,000*l.* a year. The value of our exports to Australia in 1853 was no less than 14,506,532*l.*—an unheard-of amount, exceeding our average exports to America by a million and a half, and being double our exports to India or to Germany, and six times greater than our exports to France; seven times greater than our exports to China. That our Australian colonies should have risen so rapidly to such great commercial importance, was a strong argument for a speedy and sure postal intercourse with them. The grievances, however, they complained of now were, that at this moment, when such large quantities of English goods were lying there, and when it was particularly important that their owners should be able to send out instructions how to dispose of them, postal communication was stopped. He meant, that as sailing vessels had been substituted for steam vessels, the people must now wait three, four, or five months for the return of their correspondence, whereas formerly the time a letter took to reach them was six weeks. The noble Earl opposite (Earl Grey), in receiving a deputation from Australia on this subject, said "he viewed the establishment of steam postal communication as a matter of the utmost importance, and that he should be happy to do what he could to remove the obstacles in the way of its establishment," and he therefore hoped he should have his assistance on the present occasion. The petitioners, while they admitted that the war must have diverted a portion of the steam marine, said that by proper arrangements the steam postal communication with Australia need not have been interrupted. The petition having given information as to the subject of which it complained, went on to propose the remedy. Their Lordships would remember that in other colonies, such as the Canadas, they were allowed to arrange their own postal service; and the petitioners asked on the part of Australia that she should be allowed to do the same thing. They stated that there existed in Australia wealthy steam companies, possessed of steamships well adapted for the conveyance of mails, and willing to establish a branch line between Sydney and Singapore, and they prayed the House to take into its earliest consideration the injury sustained by the commerce of the colony in consequence of the suspension of all steam intercourse with this country, and to vote an address, praying Her Majesty to be graciously pleased to direct that arrangements might be made for the re-establishment of postal communications between the two countries. Whatever difficulties there might be in the way of carrying on the postal service as it had been carried on before the commencement of the war, he could see no objection to allowing the colony to do that which had been done by other colonies—namely, establish a postal service of its own.

VISCOUNT CANNING said, that the question which the noble Earl had brought under the consideration of their Lordships was undoubtedly one of considerable importance to the mercantile community in this country, and of vital interest to that body in Australia. But he thought that the noble Earl had been misled with respect to some of the details he had laid before their Lordships. He was surprised to hear the noble Earl state that the revenue derived by this country from the conveyance of the mails to and from Australia amounted to 90,000*l.* a year.

THE EARL OF HARDWICKE explained: What he meant to say was that that was the gross revenue derived from that service.

VISCOUNT CANNING: He could assure the noble Earl that even that statement was a very exaggerated one. It appeared from the Report of a Commission which had last year been laid before their Lordships, that two years ago the gross revenue derived from that service had not quite amounted to one-half of the alleged sum of 90,000*l.* a year; and since that time the revenue from that source had been diminished by the reduction effected in the rate of postage, so that, according to the nearest estimates he could obtain, it did not at present amount to more than about 36,000*l.* a year. The noble Earl had stated that there were in Australia shipowners who would be willing to undertake the carriage of mails between this country and Australia. An application had been addressed to him by an Australian company that he should enter into engagements with them to the effect that, if they were to construct certain vessels which they did not at present possess, they should receive a contract from the Government. But he had declined to accede to that application, because he considered that it would be rash and very unadvisable to entertain the proposals of a company which had not already the means of carrying out their undertaking, and which could not give some substantial proof that they could fulfil their contract. With regard to what was called the suspension of the postal service with Australia, he must remind the noble Earl that the war in which we were engaged not only called for every resource which the country could command, but paralysed the means by which those resources were maintained. Two companies had not long ago been engaged in carrying on that postal communication; but last year, at the outbreak of the war, a number of large ocean steamers had been hired by the Government for the purpose of military transport from several companies, and from those two companies in particular. It so happened that he was at that very time in communication with one of those companies — namely, the Peninsular and Oriental—for the purpose of obtaining from them the conveyance of a monthly instead of a bi-monthly mail; so that while the contract with the General Screw Steam Shipping Company would also have continued in force there would have been eighteen instead of twelve mails each year between this country and Australia. The exigencies of the war, however, had not only prevented such an arrangement, but had even led to a reduction of the postal communication previously established. Australia was not the only sufferer. The lines to all the other colonies and to foreign countries had been interfered with. The Peninsular and Oriental Company had, a short time ago, eight of their vessels employed in the conveyance of troops; the General Screw Steam Shipping Company had seven vessels engaged in the same service; eight of Cunard's vessels had been similarly employed; and altogether there had been not less than from twenty-seven to thirty large postal steamers in the service of the Government for the purposes of the war. Australia had certainly suffered more than our other colonies from that interruption of its ordinary postal communication, because, from its greater distance, it had become impossible to find any substitutes for the steamers which had been so withdrawn, and the Government had necessarily been compelled to fall back on sailing vessels for the conveyance of the Australian mails. But they were so convinced of the inconvenience which had been produced by that change, that, notwithstanding the exigencies of the war, they were at present in communication with the parties who were most likely to be able to supply the existing deficiency —the Peninsular and Oriental Company—as to the terms on which that Company would be able to establish a postal service with Australia by way of Singapore and Point de Galle. He did not look forward to this as a permanent arrangement, as he thought that hereafter a much better one might be made, both as regarded the public here and the colony. He repeated that he thought there were some errors of the statement in the petition which the noble Earl had just laid before the House. In opposition to the allegation of the noble Earl with respect to the capabilities of companies in the colony for carrying out that communication, he should observe that he had reason to believe that there were not more than one or two steamers in Australia that could undertake the long ocean voyage. Again, the noble Earl had fallen into a serious error in speaking of the difference of time in which the voyage was made by the steamers and by sailing vessels. The noble Earl had stated that in consequence of the employment of sailing vessels instead of steamers it took four or five months at present to send a letter to Australia and to receive an answer to it, although the same service had formerly been performed in five or six weeks.

The Earl of HARDWICKE said, that what he had intended to state was, that whereas the passage between this country and Australia had formerly occupied only about six weeks, it occupied at present three or four months.

Viscount CANNING: That, too, was a mistake. The passage between this country and Australia had never been performed in so short a time as six weeks: the average time consumed in the passage by the vessels of the General Screw Steam Shipping Company had been from eighty-five to ninety days. It was the intention of the Government to establish again, as soon as possible, an efficient steam communication between this country and the Australian colonies; and he would take the liberty to add, that he hoped the colonists and those who influenced their councils would be patient with the Government in this matter. He thought it was not unfair to remind them that we were engaged in a very serious contest, and that whatever might be thought of the manner in which that contest had hitherto been conducted, one thing was certain, that the evils of war had not affected the distant and peaceful shores of our Australian colonies, and that neither their enterprise nor their tranquillity had in any way suffered, or even been threatened. That being so, he thought he might fairly ask that they should display a little indulgence, and that they should evince their readiness to forego for a time the convenience they had hitherto derived from the employment in their postal service of vessels which were at present found essentially necessary for the vigorous prosecution of the war.

The Earl of HARDWICKE said, he was informed that the Australasian Steam Packet Company possessed twenty vessels, many of which were of 700 or 800 tons burden.

DESPATCH OF BUSINESS—COURT OF CHANCERY BILL.

Order of the Day for the House to be put into a Committee on the Bill read.

Moved, that the House do now resolve itself into a Committee upon the said Bill.

Lord LYNDHURST said, that the Bill referred to very important matters, which he thought it most desirable that it should be referred to a Select Committee. He had to present petitions in favour of such a course of proceeding from the Incorporated Law Society, and from the clerks referred to in one of the clauses of the Bill. The noble and learned Lord, who was very indistinctly heard, proceeded to condemn the existing mode of remunerating solicitors, which, he contended, required a thorough revision. Until such a step were taken, most of our other reforms in the judicial system of the country, whether relating to equity or to the common law, would be in a great measure nugatory and abortive. In adducing authorities in support of this view, the noble and learned Lord quoted an opinion expressed before the Incorporated Law Society by the late Lord Langdale, then Master of the Rolls, which was to the effect that the present system gave to solicitors and all other legal practitioners a direct interest in increasing the length of documents and in protracting the duration of proceedings; and that in many cases a solicitor was compelled, in his own defence, to put his client to very heavy and unnecessary expense, in order to obtain some remuneration for services in respect of which he could not otherwise make a legal demand. The noble and learned Lord then illustrated the practical working of the system by reference to particular instances, characterising it as absurd, unequal, unjust, and impolitic, and arguing that under its operation the solicitor had an interest directly adverse to that of his client, and antagonistic to that speedy and efficient administration of justice the promotion of which had been the object of so much of our recent legislation. The system was closely connected with the speedy and efficient administration of justice in the Court of Chancery; it called for investigation, and he believed it could not be investigated better than by referring this Bill to a Select Committee.

THE LORD CHANCELLOR agreed that the question of the remuneration of solicitors in the Court of Chancery was of the greatest importance; at the same time it was one of very considerable difficulty, and he thought he had some right to complain that his noble and learned Friend had not communicated with him previous to bringing it under the notice of the House, as he then should have been able to enter into the subject more fully. Shortly after his acceptance of the Great Seal he had been waited upon by a deputation frrm the society referred to; and, in consequence of the representations then made to him, he had thought it his duty to look into the subject to see if he could devise any more satisfactory plan by which the remuneration of solicitors should be calculated upon the principle of the *quantum meruit,* which ought, in truth, to be the object of all systems. The noble and learned Lord said that the remuneration ought to be calculated on the scale of *quantum meruit,* but the difficulty was how to ascertain the *quantum meruit.* The scale of fees at present in force had been fixed by his predecessor in office after great consideration; and, no doubt, it would be extremely inconvenient to be changing the fees every year, so that persons would never know what it was that they were to receive. It very often happened that the interest of the client conflicted with that of the solicitor, and, if proceedings were to be paid for by their length, not very honourable practitioners would be occasionally tempted to lengthen the proceedings, in order to increase their remuneration. The proposal to pay them according to a per centage of the value of the property involved appeared to him perfectly preposterous, for sometimes a question involving 100,000*l.* might occupy a very short space of time. In like manner, it would be impossible to look into each separate case to see what remuneration should be given for the particular service performed. He had, however, consulted the three Judges and the taxing master upon the subject, beside several eminent practitioners in the Court, with a view of devising some more satisfactory scale; he found, however, that he was fully justified in saying that the matter was full of insuperable difficulties, and he had been obliged to leave it as he found it, with the exception of making some slight alterations in the fees adopted in 1842. This was in the spring of 1853. Since then the Master of the Rolls had informed him that he had gone into the subject, but had not succeeded in framing any plan which would exactly meet the views of all parties, and he had abandoned the task. It was customary for the Judges of the Court of Chancery to meet together, in the evening of the first or second day of each term, to consult as to any alterations of practice which might have been suggested by the proceedings of the previous three months; and at one of these meetings, at the beginning of Michaelmas or Trinity term last, it was represented to him by all the Judges of the Court of Chancery that it would be of great advantage if largely increased remuneration were given to solicitors in cases where, by their having got the facts into a neat and intelligible form a long inquiry was superseded, and the hearing compressed into an hour or two, instead of being spread over two or three days. This was an alteration which he had been of opinion could safely be made; but he owned he entirely despaired of ever arriving at any general system of remuneration which should exactly satisfy the wishes of all parties. If his noble and learned Friend would move for a Committee to inquire into that subject, he should be the last man to oppose it, provided it was to be effected in a legitimate manner; but he certainly could not consent to such an inquiry being tacked on to this Bill, with which it had nothing whatever to do. With respect to the present Bill, the original object in introducing it was to obtain power to appoint additional junior clerks to assist the senior clerks in the Judges' chambers, it having been represented to him by the Judges that the business in their offices was greatly impeded by the want of such clerks. The senior clerks, it appeared, having each only one junior clerk under them, were often obliged to do work which would properly fall to the lot of a junior clerk to attend to, and it was thought advisable that extra assistance should be afforded them by the appointment of a second junior clerk in each office. He originally introduced the Bill with that sole object; but his attention was then called by persons connected with the Court of Chancery to the fact, that there was one office, that of Master of Reports and Entries, the abolition of which had been recommended by a Committee of the House of Commons, but that was not adopted by the Act passed three years ago, although other recommendations of that Committee were adopted; and the second object of this Bill was virtually the abolition of that office. The reason why the recommendation he had mentioned was not adopted was, that his noble Friend, Lord Truro, thought that that was a hasty recommendation—that the office was useful—that, if necessary, its duties might be increased; he therefore thought it was better it should remain. But it had since been found that the office did not work well. The office of Clerks of Records and Writs, in which most of the business of the Court of Chancery was carried on, could transact more business, and more effectually, if it were separated from the Office of Reports and Entries in the way in which it now existed. It was therefore suggested as desirable, practically to abolish the Office of Reports and Entries, the present holder of that office to be called upon to perform other duties, with the same salary, during his life, and that the duties he had hitherto discharged should be transferred to the Clerks of Records and Writs. He had made it his duty to go and inspect the Office of the Master of Reports and Entries, and he must say that it was in a most discreditable state. The place was crowded with documents so as to defy all attempt at arrangement, and the whole floor was covered with papers that were of the greatest importance. By the Act of the 15 and 16 of *Vict.*, four clerks were appointed to perform the duties of Clerk of Reports. One of those appointments fell vacant the other day. The Master of the Rolls had not felt it to accord with his views to fill up that vacancy, so that three clerks were now discharging the whole of the duties of that office. It was proposed that they should continue to do so, and that if it should appear to the Lord Chancellor that the additional duty cast upon them deserved additional salary, he—with the advice and assistance of the Master of the Rolls—was empowered to give it, so that the whole amount paid for such salaries in any one year should not exceed, if divided equally, 250*l.* for each clerk. Under the Act which abolished the Masters' Offices, power was given to the Lord Chancellor to let or sell the Masters' Offices; now by a former Act, the fee of these offices was vested in the Crown; and the third object of this Bill was, that the piece of ground in Southampton Buildings and the buildings thereon should be vested in the Lord Chancellor for the time being for the purposes of the said Act. With regard to the proposal of his noble and learned Friend to refer the question of solicitors' fees to a Select Committee, he thought it was going out of their Lordships' way, and would be doing an act which was not at all necessary.

Lord ST. LEONARDS said, that one thing was most obvious, that nothing would be more unwise than to disturb the late settlemennt on this question without grave consideration. What he called the late settlement was the Act passed in 1852, when the new arrangements were made with regard to the Court of Chancery, affecting not only the matters referred to in the Bill now before their Lordships, but the whole business of the highest court of judicature in the kingdom. He was not disposed to offer any opposition to the present measure; but there ought to be great forbearance exercised in coming to a decision upon any particular branch of the system until they saw how all its parts worked together. If their Lordships allowed a pressure from without to have too much influence, they might by and by find it exceedingly inconvenient. Give the system a little time to work, and whatever evils might be found in it, set about and correct them. As regarded the appointment of an additional junior clerk to each chief clerk, it was impossible to resist that demand. He agreed with his noble and learned Friend, as to the appointment of an additional chief clerk, that if not absolutely necessary he should regret its being done. If the Judges did not require it, he was sure the chief clerks did not require it. If there were more chief clerks, it appeared to him that the great security of the whole plan of 1852 would be violated. That plan was based upon this:—that the clerks should be kept in their proper position; that they should be men of ability and of judicial power, but that they should not be viewed in the same light as the masters were, but should depend upon and be under the sole direction of the Judge. The duties of the chief clerks, from what he had himself seen, had been well discharged, and he believed the offices were filled by men who had proved themselves competent for the duties intrusted to them. With regard to the building of new courts, he certainly would press upon his noble and learned Friend the necessity of taking the subject into consideration without loss of time. He rejoiced that he had successfully resisted the transferring of the Judges chambers to the masters' offices. He felt that the locality was extremely prejudicial for carrying on the business of the Court of Chancery; but, although he did so, never thought of hiring chambers except as a temporary arrangement. There was a spot in Lincoln's Inn on which two new courts could be built, with convenient chambers for the Judges' clerks, and if the Masters' offices in Southampton buildings were sold and the money applied to the new building, the expense would be very small indeed. He thought the Government ought to erect the building suggested, as it was almost essential to the working of the legislation of 1852. As his noble and learned Friend retained the Master of the Records and his salary, he did not object to that part of the Bill. He considered the clerks had mistaken the course which they ought to have taken, and that, instead of petitioning against the Bill, they should have gone to his noble and learned Friend and respectfully submitted to him any complaint on the subject of remuneration. Unless the new system were watched they would have abuses springing up. It was not sufficient to carry measures of reform. It was the duty of his noble and learned Friend on the woolsack, of his noble and learned Friend near him (Lord Lyndhurst), and of himself—who understood the subject—to give their anxious attention, for the benefit of the suitor, to see that the system worked as was intended. It was said that the attorneys did a great deal of work and had very little to show for it; but they must take the business altogether, and consider whether the whole did not produce sufficient remuneration. His noble and learned Friend said the attorneys had the temptation to make conveyances of unnecessary length for the sake of costs; but he did not believe—though in every profession there would be some persons who would act dishonourably and discreditably—that any respectable professional man would indulge in great length for the mere purpose of making charges. If they altered the fees, that would give an additional motive for delay. They could not prevent delay except by such arrangements as those of 1852. His argument with the attorneys was that, although the scale of fees was not so large, the facility with which cases would be decided and these bills paid would be more advantageous than those long-winded suits in which the interest of their money absorbed a great proportion of their profits. He could have no other motive in settling the fees of 1852 than that of giving fair remuneration to the attorneys, standing as he did between them and the suitors. If it could be shown that they were entitled to higher remuneration he was perfectly ready to join with his noble and learned Friend in giving it; but still he must say they ought to take the rough with the smooth—it would not do to take all the plums and leave the rest of the pudding. The attorneys desired to have any expense saved by their exertions considered in the amount of remuneration. If that could be done he should not object, but there must be something by which to measure the value of services, and, therefore, the proposition on the part of the solicitors did not seem to him to be practicable. He would not oppose the Committee, but he was bound to declare that he should not got go to that Committee with any hope of ever coming at a satisfactory conclusion. There were in the scheme of 1852 several things requiring attention, and one was the operation of the regulation relative to the examination of witnesses. Care should be taken to see that the expenses were kept within narrow bounds, and that no special examination was taken without very sufficient grounds. There ought also to be some check upon the number of counsel who attended before the examiner.

Lord LYNDHURST said, it was now nine or ten years since he had washed his hands of the Court of Chancery, and he had never wished to entangle himself again in its folds. He had to-night presented a petition from the Incorporated Law Society, who were more minutely acquainted than any other body of men with the proceedings of the Court of Chancery. He had no unfortunate animosity prevailing between the Government of Sardinia and the Government of Austria, which has tended to disturb the tranquillity of the Italian peninsula. I trust, however, that when Sardinia and Austria find themselves both ranged morally and in opinion, though in a different degree, on the same side, in this great European contest, that identity of views and consentaneity of purpose will obliterate all those feelings of animosity which may have hitherto prevailed between them, and thus the greatest advantage will be derived, not only to both these countries, but to the other States of the Italian peninsula. When we see the wisdom with which the Sardinian Government have administered their affairs—the justice and the liberty which prevail in Sardinia, and contrast them with the far different state of things which unfortunately prevails in some of the more southern parts of the Italian peninsula, it is impossible not to anticipate that the cordial union between Austria and Sardinia, and between those Powers and France and England, may have a beneficial moral effect on the condition of the other States of Italy, and may lead, perhaps, to a more fortunate state of things in the Roman and Neapolitan States. These, therefore, Sir, are the grounds on which I propose to the Committee to sanction the engagement which Her Majesty has entered into with Sardinia; they are—that we want all the military assistance which we can obtain for the purpose of the war—that, by this means we shall be enabled to procure the co-operation of a most valuable and gallant body of men—that the alliance is one honourable alike to all the parties concerned, and that there is every rational hope for thinking that this alliance—coupled with the good understanding now happily prevailing between France and Austria, and which is a security for the peace of the northern part of the continent of Europe—that this union of cause, and this agreement of opinion between Austria and Sardinia, will have the same beneficial influence upon the southern part of that empire in the peninsula of Italy. I trust that, for these reasons, the House will concur in the Resolution which, Mr. Bouverie, I now place in your hands.

The CHAIRMAN then read the Resolution, which was an echo of the Message from the Throne.

MR. DISRAELI: Sir, I do not think that a Resolution of this nature should pass unnoticed, for the grounds upon which it has been recommended by the noble Lord appear to me to be of a very limited character. It must be a matter of congratulation to the Government, and also to the House, that a European Power, possessing a considerable military force, and distinguished, I am happy to say, by a liberal spirit and an anxiety to co-operate with us in that cause which we all have at heart, and which I believe to be a cause which involves the question of civilisation in Europe—it must be, I say, a source of congratulation that a Power of such a character should be ready to co-operate with us and our allies in the struggle in which, unfortunately, we are engaged. If that, however, were all I had to consider, I should entirely agree with the noble Lord in congratulating the House upon that circumstance, for I should feel that it afforded an additional security for a happy termination of the struggle in which we are engaged. But that is not the only question we have to consider in agreeing to this Resolution, and I do not think that it would be becoming to the House of Commons if it was passed unnoticed. It is not from mere sympathy on the part of the Government of Sardinia with us and our allies, not merely because they feel that general interests are concerned, that they are prepared to take the step they contemplate. There are other inducements and other influences involved in this Resolution which must not be lost sight of. I acknowledge at once the importance of the adhesion of Sardinia, but what I wish to call the attention of the Committee to is the fact that we are asked to assist Her Majesty in the contract which she has entered into to advance a loan of a considerable sum of money to the Sardinian Government. I think, Sir, the House ought to pause before it agrees to advance a sum of money to any foreign Power. I will not at this moment say that there are not circumstances which may justify it. So far as I can collect from Her Majesty's Gracious Message, and from the explanation (not very ample) with which the noble Lord has just favoured us, this is a loan which probably will not be very speedily repaid. I understand from the noble Lord that Sardinia is to pay for this advance at the rate of four per cent. interest, one-fourth of which interest is to form a sinking fund. The noble Lord has not favoured us with a calculation of the period when the aggregate amount raised by the sinking fund will form a sum which may repay this advance, but I do not think that is a period which can at all enter into our financial considerations for the present. Well, we heard last year of some financial operations which were described as loans in disguise. Now, Sir, I cannot help feeling that this is a subsidy in disguise; and if we are commencing a system of subsidies, I think it becomes the House of Commons to consider well before they sanction such a step, and not hereafter, when attention may be called to the consequences of perhaps a precipitate act, render themselves liable to be reminded that they allowed such a course of policy to be pursued without comment and without consideration. It is unnecessary at the present moment to enter into any elaborate reasoning to prove that the system of subsidies is one vicious in principle and usually pernicious in operation. At the end of the last war I think it was the unanimous opinion of this House and of the country generally that, although under circumstances of extreme difficulty, and during a contest prolonged beyond the average of even great wars, we had been often without thought hurried into a financial course which depended much upon a system of subsidies, still I believe it was the general opinion of both sides of the House that nothing but extreme necessity could sanction a recurrence to a system so pernicious in its principle. That system is one which tends, I think, to lessen the character of the country which has recourse to it, as well as of the country which receives the aid. If Sardinia, for example, from considerations of high policy, feels that it is her duty to embark in this struggle, a State, under such circumstances should certainly *primâ facie* not require foreign aid to assist her in the fulfilment of that which she deems her highest duty; while, on the other hand, every man must be conscious that a country which has recourse on principle to foreign arms to support the contest in which it has embarked is, in fact, placing itself almost in the position of a tributary, and is having recourse to mercenary aid to accomplish those results which should be achieved from her own essential strength and resources. I wish to guard myself against stating that there may not be exceptions to the principle which I lay down—namely, one hostile to any recourse to loans; but it should be a case of extreme necessity which should authorise even the House of Commons to consider the expediency of recurring to such a system. Now, does that extreme necessity exist at present? And if it does exist, what is the cause of that extreme necessity? These certainly are questions which we ought to have solved—questions which will be demanded of us by our constituents, and which, on an occasion like the present, should, I think, at least be heard in this assembly. Sir, we are embarked (the noble Lord tells us) in a war with a great military Power. Undoubtedly we are. But before we embarked in a struggle with a great military Power surely it was our duty to consider the risks we incurred, the sacrifices we should be called upon to make, and the resources we had at our command. It is not a sufficient vindication of this policy of subsidies to be told that we are embarked in a struggle with a great military Power. Before we entered into such a struggle we should have duly considered what must be the inevitable consequences of the policy we were pursuing. We have been at war but a year; and it is at the end of the first year that we are obliged, according to the representations of the noble Lord, to originate this recurrence to the system of subsidies. The noble Lord has given us to-night, as his principal reason for the deficient military means which we have at our command and the deficient resources we have displayed—he has given, I say, a reason which has been offered before in this House, but which has not yet been considered satisfactory. He says that we entered into war on a peace establishment. Is that true? And, if it be true, are not the Ministers responsible for entering into war under such circumstances and at such a disadvantage? Sir, we did not enter into this war hastily. It was not on a sudden that England found herself involved in a struggle with a great military Power. The whole country, long before the Message of Her Majesty came down to the Houses of Parliament, was prepared for more than the possibility of such a great contingency. The Ministry who for more than a year had been carrying on negotiations — were they during that period making no preparations for the war which they must have considered inevitable, and which, if they did not consider it inevitable, was at least a proof of their want of becoming prescience? Her Majesty's Ministers, we now know, were in possession of secret information a year before war was declared—they were apprised of the most confidential intentions of the late Emperor of Russia. I say, then, that after having been placed in possession of those intentions, Her Majesty's Ministers must, or ought to, have felt it their duty to prepare for the great struggle which was more than possibly impending. The noble Lord may tell us, as he has told us before, that when negotiations are going on it is not becoming to increase the military establishments of a country; but I doubt the validity of that position. Why, Sir, negotiations are going on now, and never were military preparations being made on a greater scale. According to the argument of the noble Lord, which he used some months ago, and to which I have referred, he might as well say that because a Congress is at this moment sitting at Vienna our fleet should not now be preparing for the Baltic, and the armies of France should not be about to embark for the Crimea. The argument of the noble Lord—if you can call it an argument—appears to me one refuted by facts and circumstances hourly occurring, and requires hardly any answer. But, Sir, if war was more than possible a year before it was declared, I deny that it was merely by an ostentatious increase of our military establishments that we should have prepared for that war, or that we need have rendered necessary a recurrence to the pernicious system now introduced to us by the noble Lord under a cloak. We might, without exciting any odium, without taking a single step which any foreign Power could have challenged as one menacing to the then still existing peace of Europe—we might, I say, have laid the foundation of a military power and of military means which would have rendered this recurrence to a system of subsidies unnecessary. What were the steps which Ministers took with regard to the Militia —that force which had been called into active life before even the fear of a Russian war was prevalent in the country, and when the possibility of such a war could only have been known to those in the secrets of the Cabinet? What was the course, I ask, which was pursued by Her Majesty's Ministers with respect to a force which by developing they might have rendered a source of inexhaustible strength and of almost unlimited military means? Sir, they entirely neglected that great source of power, and there is no Minister in this country, in my mind, more responsible for that neglect than the noble Lord who now occupies the most eminent post in the Government, and who has this evening, in a brief speech, expected as a matter of course that the House of Commons would immediately, and in silence, sanction a recurrence to the odious system of subsidies. Why, Sir, even so lately as the commencement of the year 1854, after eight months of bootless negotiations, after eight months had elapsed since Her Majesty's Ministers were aware of the secret policy of the late Emperor of Russia, when we were on the eve of declaring war, what did the noble Lord do with regard to the Scotch and Irish militia? It was pressed upon his notice not merely to embody on a much greater scale the English militia, but to call out the Scotch and the Irish militia; and what was the course pursued by the noble Lord? Silence and negligence; no notice of the appeal made to him; and when at last that appeal was noticed, it was only by words in this House, not by acts in his office, not in that spirit which would have impressed upon the country the importance of the exigency, and would have laid the foundation of military means which would have prevented the necessity of the course recommended by this Resolution. Why, Sir, even after war was declared—even after the 25th of March, the date of Her Majesty's declaration—the noble Lord took no steps for the further development of the military resources of the country in regard to the militia. Not only was the militia not embodied, but the noble Lord still neglected calling out the Irish and Scotch militia, and it was not till months after the declaration of war—not till after Midsummer —that the noble Lord at last had recourse to these means. Had they been appealed to six months or a year before—and we should have been perfectly justified in appealing to them at least a year before—we might have made that appeal without our policy and conduct being held out by foreign nations as circumstances menacing to the still existing peace of Europe. The noble Lord and his colleagues, and especially the noble Lord, neglected those means, and from that moment we have reaped the bitter fruits of official negligence and want of confidence in the resources and support of the country. I shall not, of course, take upon myself the responsibility, in the present state of the country, of opposing the measure which the noble Lord has brought forward, but I will not allow it to pass in silence. I will not, as far as any influence which my words may exercise, allow it to be unknown to the country that at the commencement of the second year of war we are beginning a system of subsidies, and that we are beginning a system of subsidies because Her Majesty's Ministers have from the first neglected those national means which would have prevented a recurrence to so odious a measure. Sir, with these views, I shall not, as I have previously stated, oppose the Resolution which the noble Lord has moved, but I trust the House of Commons will not allow it to pass in silence. I trust the House of Commons will pause to consider that they are now, perhaps, at the commencement of a system which may bring disgrace and disappointment upon their arms and upon their hopes, as that system has brought upon them before, and that we shall on this and every occasion impress upon the Government of this country our conviction that if war is to be carried on by England it must be carried on mainly with the resources and by the spirit of England.

VISCOUNT PALMERSTON: Sir, as the right hon. Gentleman has announced that it is not his intention to oppose this Resolution, I apprehend very little is required from me in reply to the observations which he has made; but I cannot permit the right hon. Gentleman to attempt to confound a system of loans bearing interest, with a system of subsidies, upon which no interest would be paid, and which would be a pure and entire sacrifice upon the part of this country. The right hon. Gentleman may think less highly than I do, less highly than Her Majesty's Government, and less highly, I venture to say, than the country at large do, of the respectability of that country with which we have contracted these engagements annually, and of the means which the kingdom of Sardinia possesses of paying the small amount of annual contribution which will annually be required as the interest of the loan; but, supposing even that the loan was a sacrifice for a certain number of years—which it is not—any man who has cast his eye over the Estimates, and knows that the ordinary expense of 1,000 men on a peace establishment is 40,000*l.*, in comparing that expense with the advantages which we are to derive from the services of 15,000 excellent, well-trained, well-disciplined, and ably commanded troops, will at once perceive the advantageous nature of the contract we have entered into with Sardinia. But, forsooth, the right hon. Gentleman says, we ought at the time when negotiations were pending to have come down to this House and increased the war estimates, placed our army and navy upon a war establishment, and prepared for an event which we had then every reason to hope would never occur. Sir, the right hon. Gentleman knows very well that no such proposition could have been carried. I should like to know what would have been the indignant denial with which the right hon. Gentleman and those who sat around him would have met a proposition for greatly increasing the army at a time when negotiations were being carried on, which we had good ground to expect would have ended in the amicable settlement of the affairs in dispute. The right hon. Gentleman compares the course which he says we ought then to have pursued with the course which we are now pursuing, and, because we did not choose to interrupt the progress of hopeful negotiations in a time of peace by ostentatious preparations for war, he tells us we ought now, when we are engaged in war, when our troops are engaged in a great, important, and difficult undertaking — on the same principle we ought now to abstain from making preparations for continuing the war, and that we should, as it were, lay down our arms, because negotiations are going on for peace. The right hon. Gentleman says, that although negotiations were then pending, yet there were then as good grounds for making preparations for war as there were now for proposing this loan to Sardinia, although negotiations are now pending at Vienna; but the two cases have no similarity whatever. They are as different from each other as two things can possibly be. The right hon. Gentleman reproaches the Government and myself individually with a want of proper foresight in not having called out the militia before the war began. Now, Sir, if there be any want of foresight in regard to the militia, I think that the right hon. Gentleman and those who sit near him are responsible and ought to make their defence to such a charge. What was the Militia Bill which they brought in? It was a Militia Bill—good in many respects, no doubt—inasmuch as it established a most valuable force for the defence of the country; but it did not establish a force for carrying on operations in the Crimea, and it was by no means such a force as would have superseded the necessity or diminished the advantage of having a well-disciplined, well-trained, and well-commanded force like that of the Sardinian army. I admit and fully acknowledge the merit of the Government to which the right hon. Gentleman belonged in reorganising and re-establishing the militia, but let me ask what was the condition upon which it was established? Could it be embodied in a time of peace? Could the embodiment of the militia be one of those measures of military and threatening preparation for war, during the pending of negotiations for peace, which the right hon. Gentleman says we ought to have had recourse to? Certainly not, for there was no power to embody the militia in a time of peace. Then, could we have embodied the militia when war was declared? No, Sir, we could not. The Bill only gave power to the Crown to embody the militia in a case of "actual invasion or of imminent danger thereof." Now, Sir, in a war with Russia, with the Baltic and the Black Sea blockaded, and our troops going to the East, could any man pretend to say that there was any actual invasion of this country or imminent danger thereof? Sir, we embodied a certain number of militia regiments as soon as war broke out, and how did we embody them? Not by any power which the Bill gave us, but by the voluntary offers of these regiments, which, with no power to compel them to serve, gallantly and voluntarily tendered their services in aid of the national efforts to carry on the war in which the country was engaged. In all, sixteen militia regiments were embodied at a time when we had no power of compelling them to serve, and when the Bill of the right hon. Gentleman opposite had given us no power of ordering them to be embodied. Well, we then brought in a Bill to enable the Crown to embody the militia in time of war, and when that power was given to us we proceeded to embody a number of other regiments. Therefore, when the right hon. Gentleman says it was a proof of a want of foresight that the militia was not embodied before the war and at the commencement of war, I say that that want of foresight belongs to those who sit around the right hon. Gentleman, and not to us. We had no remedy in our case, and it is for hon. Gentlemen opposite to answer the speech which the right hon. Gentleman has made. But, Sir, would the organisation of the Scotch and Irish militia, even at an earlier period, have superseded the necessity for the assistance which we are about to derive from a Sardinian force? Will any man tell me that raw troops, just enrolled, partially disciplined, recently trained, incapable of going abroad, by the very terms of their service tied to the defence of the country —will any man tell me that the Scotch and Irish militia, under these circumstances, would have been a substitution for that Sardinian army, ably commanded, well trained, and well disciplined, which you are about to obtain by the Resolution now under the consideration of the House? No doubt, I shall be told, "True, the Scotch and Irish militia could not have gone abroad, but they would have afforded recruits to the British army. No doubt they would, and gallant and good men they would have furnished. Many militiamen have honourably and nobly volunteered their services into the line, and will still, I hope, do so, and highly honourable it is to the commanders of militia regiments to find them contributing in this manner to the service of the Crown and the country; but I say that, however these Scotch and Irish regiments might be useful in that respect, it is absurd to tell me that they would be a substitute for a well-organised army of 15,000 men, which is to be kept up to that establishment. The Scotch and Irish militia will enable us, I trust, to keep our own army complete, but they never could be considered as a substitution for that force which this treaty places in co-operation with our army. With regard, therefore, to the charge of want of foresight and neglect of duty in respect to the militia, I think that charge does not apply here, but it is for those who sit behind the right hon. Gentleman to answer it.

Mr. EVELYN DENISON said, he took a view of this transaction different from that of the right hon. Gentleman opposite (Mr. Disraeli), and he could not but regret some of the expressions which had fallen from him. It did not seem to him (Mr. Denison) to be a transaction discreditable to one party and derogatory to the other, but, on the contrary, alike honourable and advantageous to both. The people of Sardinia and the Government of Sardinia deserved the warmest sympathy of that House. There was not only a gallant and spirited people, but also a faithful and upright king. It was owing to the fortunate combination of these causes that constitutional liberty had taken root and flourished in that country almost alone of any of the southern countries of Europe. As no opposition was to be offered to this vote, he regretted that it should be given in a grudging spirit; he could have wished it to be given with the hearty good-will of the House. Let it not be forgotten—rather let it be publicly proclaimed—that this tree of liberty which had taken root and sprung up in that country was flourishing among a population, not the entirety, but the great majority of whom professed the Roman Catholic religion. In that country they had been wise enough to recognise the close connection of religious with civil liberty—and greatly to their honour, they had respected the liberty of conscience, and had granted perfect freedom to the exercise of religions of all denominations and creeds. He could not but congratulate the able Minister who presided over that country and the representative of our Queen there, on having brought these negotiations to a successful issue. He trusted that the free Government of Sardinia might long flourish. He was sure that the only prospect for liberty in southern Europe depended upon the success of that Government. He trusted that it might long prosper—that the union between the two countries might become close and intimate. That the example of successful constitutional Government which are there exhibited might long prevail, a spectacle alike instructive to people and to kings.

MR. BRIGHT: It strikes me, Sir, that the question which the right hon. Gentleman opposite (Mr. Disraeli) has introduced, and upon which the noble Lord (Viscount Palmerston) has touched, is hardly the one which is before the Committee. With regard to the defect in the Militia Bill, I certainly think the noble Lord was hardly fair in his remarks upon hon. Gentlemen opposite, because, if any attempt had been made to remedy that defect when the Bill was passing through this House, no one knows better than the noble Lord that the Bill would not have been passed at all. The question before the Committee is that of lending 1,000,000*l*. this year and 1,000,000*l*. next year to the Government of Sardinia, in return for which they are to furnish us with a force of 15,000 men for the war. The noble Lord says this is not exactly a subsidy, because the Sardinian Government are to pay interest upon the loan, and a part of that interest is to go in reduction of the debt, but the noble Lord has not told us anything about the security. I believe that debts of this kind, from one State to another, are generally shuffled off under some pretence not very long after the money is advanced, and I should be infinitely better satisfied with some security, whatever it might be, if we were not to have these 15,000 men. I sympathise quite as much as the hon. Gentleman who last spoke with the progress which Sardinia is making in civil and religious freedom, but I contend that nothing can be more hostile to such progress than that Sardinia should needlessly throw herself into a struggle like this, in which she cannot have the remotest interest, and from the issue of which she cannot gain the remotest benefit. I think it is one of the great misfortunes, among many others, of this war, that we are endeavouring, wherever we can do it, in the case of large States to coax them, and, in the case of small States, to bully them, into entering upon a struggle which, with regard to ourselves, has been attended with so much ill-success and so many disasters. If there be a country in Europe which can have no interest whatever in the war it is Sardinia, and yet the hon. Gentleman (Mr. E. Denison) thinks it very honourable and advantageous to Sardinia to get into this scrape, just as if a war was something exceedingly valuable—something like a nugget which is found by two or three men, but in the scramble for which everybody is ready to join. I am not going to divide the Committee upon this Resolution. I think it an unfortunate thing for ourselves that we should have entered upon a war which we find ourselves altogether unequal to carry on. The notion of this country's sending land forces to any portion of the continent of Europe is foolish enough, but that we should send land forces to the very extreme point of Europe, to a distance from England by sea of 3,000 miles, is, to my mind, little less than an act of lunacy. The consequences of such acts we have already seen to a certain extent, and if we persist in this course much longer we shall experience them to a still greater extent. While I have no sympathy with measures which will lead other nations, who have from their position a more remote interest than ourselves in the struggle, to engage their forces in a war which I believe never should have been entered upon, I wish also to express my entire dissatisfaction with the plan of subsidies, whether in their original form or in the shape of a loan. I wish further to express my deep regret that the kingdom of Sardinia should have left the peaceful and honourable pursuit in which she was engaged, of settling her own internal freedom on a firm and satisfactory foundation, and should have thrown herself into a struggle from which greater countries than Sardinia cannot retire without loss and disaster, and probably dishonour, and from which I believe that Sardinia, especially if her forces are placed under your generals and under your management, will retire with the same dishonour as ourselves.

Mr. BOWYER said, he wished to address a few observations to the House upon this subject, which related to a country in which he had resided for many years, and which he had very lately visited. He did not wish to throw obstacles in the way of any measure which Her Majesty's Government believed to be essential to the prosecution of the war, and he had no intention of disparaging or undervaluing the assistance which might be derived from the Sardinian army. Indeed, he believed that a better disciplined and more gallant army did not exist in Europe, but he thought Her Majesty's Government should not be relieved from the blame which attached to them for resorting to means of this kind in prosecuting the war. When he asked the noble Lord at the head of the Government the other day whether he was prepared to afford the House any information as to the state of the Sardinian finances, he expected that the noble Lord would at least have been ready to have given the House such information as would show that good security could be given for the proposed loan. He had been surprised to hear the noble Lord say he believed it was a matter of notoriety that the credit of the Sardinian Government was good. Did the noble Lord rely upon the accounts of newspaper correspondents, and could he not have obtained an accurate knowledge of the state of the finances of Sardinia from our Minister in that country before he advised the advance of so considerable a loan as was now proposed to the Sardinian Government? It appeared to him (Mr. Bowyer) that this recklessness with regard to the means of repaying the advance was a strong indication that it was to be, not a loan, but a subsidy. Supposing, however, that it was intended to be a loan, the noble Lord must be aware the state of the Sardinian finances was such that the money would

never be repaid. The noble Lord certainly said that interest was to be paid upon the loan, but what prospect, he wanted to know, was there of the return of the capital? He thought it was evident that the advance must be looked upon as a subsidy, because, if the credit of Sardinia was good, why did not the Government borrow this money from the great capitalists of Europe in the ordinary way? He could not show by exact figures the financial position of Sardinia, because the Government now in power had never laid before the House of Representatives, as he was informed by a member of the Assembly, any complete balance-sheet representing the precise state of the revenue and expenditure. It was notorious, however, that there was an annual and increasing deficit in the revenue of Sardinia, which amounted to several millions of francs; the taxes were heavy; commerce had been stimulated to the utmost; there was considerable over-speculation, and, therefore, an unsound state of credit in the trade of the country. There was an increase of expenditure every year arising from the manufacture of places, which were disposed of for the purpose of enabling the Government to manage the House of Representatives and obtain that influence which was necessary to carry their measures. Then there was a great standing army, out of all proportion to the resources of the country or to its necessities. The hon. Member for Manchester (Mr. Bright) had referred to the absurdity of Sardinia engaging in the present war. This view would be confirmed when it was considered that Genoa, the great trading port of the country, must be seriously injured, indeed, almost ruined, by such a war. The trade of Genoa was carried on principally with Russian ports, and it was impossible that it should not receive serious injury. When the noble Lord, therefore, induced Sardinia to embark in this war by a loan of 2,000,000*l.*, he should have considered how much the security for that loan would thereby be diminished. The Government of Sardinia had resorted to a series of measures which strikingly exemplified the insecurity of the financial affairs of that country; but he would refer only to two of these. There was in Turin a great hospital which had revenues arising from large estates in Italy. Two years ago the Government, finding themselves embarrassed by a large deficit, brought in a Bill to purchase the property of that hospital. It seemed strange that the Government should have purchased these large estates; but they passed a measure by which they were enabled to sell the property and apply the proceeds to the current expenses of the year, giving the hospital nothing in return but the interest in Government paper. The next case to which he would allude was the confiscation of Church property. They had brought in a Bill to take possession of, or sell the property of different cathedral churches and religious bodies, and apply the proceeds towards the current expenses of the year, while the only reimbursement given was in the shape of Government debentures. These two circumstances—to which he could assure the House he had referred to without reference to any religious or ecclesiastical considerations — were quite sufficient to show how uncertain was the security they possessed when they made this loan to Sardinia. He also must complain of the employment of foreign troops to do that which our own troops would have so much better done, had not our resources and the energies of our army been so disgracefully mismanaged and crippled.

MR. GLADSTONE: Sir, until I heard the speech of the hon. and learned Gentleman who has just sat down, I felt that the course of this debate or conversation was eminently satisfactory in one respect, namely, in this, that although different views have been taken by different Gentlemen of the proposal now made by Her Majesty's Government, some of them supporting, and others of them on one ground or another questioning or even objecting to this proposal, yet not a word has been said by any Gentleman in any quarter of the House which could tend to give a false impression respecting the feelings of this country towards Sardinia. And if I rise to offer a few observations to the Committee, it is because I think that the speech of the hon. Gentleman who has just sat down, if no comment were made upon it in a different sense, would convey an inaccurate impression to the country respecting the feelings of hon. Members in this House. The hon. Member for Malton (Mr. Evelyn Denison) has stated, and stated well, the special claim that Sardinia has on our sympathy and respect. In the midst of events, in many respects far from favourable to the progress of constitutional government—at a period when many nations have had the prize of freedom apparently within their grasp and lost it again—when retrogression rather than advancement has in many cases marked European history—Sardinia is the country that, amidst difficulties almost unprecedented, has succeeded in establishing for herself the blessings of a free government. It is undoubtedly true that she has not succeeded in conciliating the revolutionary spirit; and those who are true revolutionists, whether with respect to Italy or any other country, have manifested the nature of their feelings, and have borne the strongest testimony to the true policy of Sardinia by this fact, that the friends, I will not say of freedom, but the friends of revolution and the political incendiaries have manifested even greater animosity to the free constitutional government of Sardinia than they have shown to despotism in other parts of Italy and Europe. I think, Sir, that is a fact which ought to secure from the hon. and learned Member for Dundalk (Mr. Bowyer), as I am certain it will secure from almost every one who hears me, that respect which is due to an assertion alike firm and temperate of the principles of freedom combined with the principles of order. I am bound also to say, and I hope I shall not offend the feelings of any Gentleman in this House by saying so, that I think the hon. Member for Malton was justified in adverting to the union that prevails in that country between civil and religious liberty—a subject in connection with which we may open some painful chapters in the recent history of Sardinia. It is impossible, however, not to feel that Sardinia has had difficulties, and I will also venture to say it has enemies, of a peculiar character to contend with. Her internal difficulties fomented from without are of a nature which has greatly increased the weight of responsibility upon her statesmen, but which must also greatly increase her claims upon our sympathy and respect. The hon. and learned Gentleman who just sat down has stated to us that the credit of Sardinia is bad—that the finances of Sardinia are deranged—that, so far from economy being the result of this state of things, the greatest extravagance prevails; that this extravagance has not reference to the legitimate purposes of Government, but that the lavish expenditure takes place for the purposes of corruption; and then he goes on to show us instances which he thinks proves his view of the case, and testifies to us that Sardinia is an untrustworthy debtor. I was sorry to hear the hon. and learned Gentleman utter a portion of those observations, because, when the hon. and learned Gentleman says that the finances of Sardinia are expended for the purpose of Parliamentary corruption, he ventures upon statements which he knows it is unlikely that any of those who heard him can be supplied with the means of refuting. I do not think that with regard to a friendly Power—but, above all, with regard to a Power that does not stand in the first rank in Europe in regard to the magnitude of her resources—such a charge should have been made by the hon. and learned Member unless he had been prepared not to deal in generalities alone, but to go forward and to supply us with facts which would warrant him in casting so serious an imputation upon that country. As to his charge with respect to the state of her finances, I do not think the case he quoted was at all conclusive. He says a law was passed by which the Government was authorised to sell the property of an hospital in Turin, and to provide for the maintenance of the hospital by means of Government paper; but I apprehend that in this country, when we have occasion to borrow or obtain money under the sanction of the law, we are very apt to give to those from whom we get the money no other instrument or security but that which the hon. and learned Gentleman seems to have condemned under the name of Government paper. [Mr. BOWYER rose to explain; but, amidst cries of "Order!" resumed his seat.] I understood the hon. and learned Gentleman perfectly, there is no necessity for any explanation; he has no right to complain of what I say. Government paper is a very good thing or a very bad thing in proportion as the Government is a Government of character or otherwise. No doubt there are many countries—some States of Italy, for instance, where I might go, if necessary, to find an example — where Government paper is of very little value, indeed; but the question with regard to Sardinia which it is material for this House to consider is this—has Sardinia ever broken her financial engagements? I may be wrong, but, so far as I am aware, all the financial obligations of Sardinia, notwithstanding the great political difficulties she has had to confront, have on every occasion been met and discharged with exemplary fidelity; and, for my part, I can hardly understand why this insinuation and imputation should be cast upon the character of a Government whose faith has been as yet untainted by suspicion. So much for the character of Sardinia, with respect to which it is felt to be material, not on one side alone, but throughout this House, that no mistake should exist with regard to the feelings that animate Englishmen. As regards the questions immediately before the Committee, I shall venture to say a few words. The right hon. Gentleman opposite (Mr. Disraeli) says that last year he heard of a loan in disguise, and on the present occasion he thinks he has heard of a subsidy in disguise; and he was followed by the hon. and learned Member near me (Mr. Bowyer), who not only concurred with that remark, but went greatly beyond it, because he produced facts and statements which, as he considered, demonstrated that this loan bore the character of a subsidy. Now, Sir, I feel with the right hon. Gentleman opposite that the whole question of subsidies is a grave and serious question. I feel the great responsibility which a Government incurs in proposing a pecuniary grant to a foreign State under any form whatever; but how far greater would that responsibility be if they were to propose it to Parliament in a form they believed to be delusive. You cannot treat this as a matter of slight importance—it is a matter of the highest importance; and if this professed loan really be not a loan, but a subsidy, then Parliament should know it. I am sure that the hon. and learned Gentleman (Mr. Bowyer) and the right hon. Gentleman (Mr. Disraeli) will remember that discussions in this House at the present moment on the question as to whether this is a loan or a subsidy are not mere passing words, but that these very discussions might hereafter, under possible circumstances, be determining elements in the question, and actually decide the question whether it should be a loan or a subsidy. It is not merely what is written in a treaty that decides that question, but the spirit also in which the proposal was received, and the general impression with which the vote of Parliament is given. This is, I believe, a loan as it professes to be, and is not a subsidy in disguise. The hon. and learned Gentleman says he can demonstrate it as a subsidy. He says, if it be not a subsidy and only a loan, why should Sardinia come to the British Government to borrow money? Why does does she not go to the money market as other nations have done? He says the Emperor of France has gone into the money market, but he might have quoted the case of a Power that has not such good credit as the Emperor of France. The Sultan of Turkey went into the money market within the last twelve months, and obtained from the capitalists of this country a loan of several millions. The hon. and learned Member then asks, why did not the King of Sardinia go into the money market like other States? Now, I do not think that the hon. and learned Gentleman is justified in founding any conclusion upon the fact that the King of Sardinia prefers a loan which he expects to obtain, through the power and resources of England, at 3 per cent interest, to a loan which he would possibly contract, as Turkey contracted in the money market, at the rate of 6 per cent. I agree with the hon. and learned Gentleman that the credit and resources of France are infinitely beyond those of Sardinia, yet it must be remembered that the French loan was only obtained by the Emperor of France at a rate somewhat exceeding 5 per cent. Is it not natural that the King of Sardinia should have wished to obtain the money on the most reasonable terms he could obtain it, and as it was possible to get it from the English Government on terms more reasonable than he could get it in the open market, it was natural that he should wish to reduce the burden he was entailing upon his country for interest, to one-half what it would otherwise be. When there is this motive for his conduct, why should we be driven to the necessity of imagining illegitimate motives and concealed purposes, or of supposing that the King of Sardinia was attempting a juggle upon the people of England, and was endeavouring to extort from us a grant of money under the plea of a loan. Hon. Gentlemen can correct me if I am wrong when I state that the Government of Sardinia, during the communications that have preceded this engagement, have been by no means indifferent on the question whether this should be a loan or a grant. Their opinion was, that it would not be compatible with the disinterested motives with which they entered into the war, or, on the other hand, with the real and unimpaired dignity belonging to their country, that they should accept a grant from Great Britain for the purpose of the war, and I believe themselves were the parties that were the least anxious to obtain a subsidy. Perhaps I do not say too much when I express the opinion that they were determined not to have a subsidy from the British Government. The engagement into which they have entered is a perfectly *bonâ fide* engagement. They borrow money on favourable terms, and they enter into an obligation that binds them, within half a year from the present time, to make the first payment of interest. If that payment shall not be made, it will be competent for the hon. and learned Gentleman, and entirely consonant with his duty as a Member of Parliament, to call the attention of the House of Commons to that default on the part of the Government of Sardinia. Parliament is under the greatest obligation, for the sake of the country at large, to take care that they treat this with which we are dealing as a loan and not as a grant. My belief is that it is a loan, and I repeat that the expression of a contrary opinion might possibly, under certain circumstances, have an unfavourable influence. The character of a loan has been stamped upon it throughout, and the definiteness of the terms of the engagement, and the unqualified assurance of the Government of Sardinia, carry entire satisfaction to my mind, as they carried it to the minds of my noble Friend at the head of the Government, and of the Earl of Clarendon, the Minister chiefly responsible for this transaction. If it be a loan, still I grant that the expenditure of 2,000,000*l.* for aid extended to a foreign country in carrying on this war, is a very serious matter. It is not the first time, however, that aid has been extended to foreign countries during the present war. It is the first time, no doubt, that service has been rendered in the shape of money, but most important services have been performed in other ways, which, if stated, in the shape of money, would be found to amount to a very considerable sum, both in the Baltic and Mediterranean. I am sure the hon. and learned Gentleman does not mean to go to the extreme—I will not say extravagant—length of arguing that we are entirely to abjure the principle of making the resources of this country available for war otherwise than through the medium of our military establishments. Whilst I feel with him that the system of subsidies carried on during the last war was, both in its nature very dangerous and in its consequences very frighful, yet I think there are circumstances attending the position of this country, the amount of its pecuniary means and resources as compared with that of its military means being also immense, which teach you not absolutely to cut yourselves off from granting to foreign nations assistance, through the medium of money, for prosecuting the common objects of the war. It is not in the last war, but in every war in which you have been engaged since the Revolution, you have found it necessary to act upon that principle. The whole question then is, is the form in which it is done safe and judicious, and is the necessity which produces it absolute enough to justify the proposition? I believe the form is a safe and judicious one, but, more than that, I give the Government entire credit for the *bona fides* of this proposition. I believe it is not a subsidy in disguise, but that it is what it professes to be—a loan of money. As to the necessity of the measure, I think that requires little demonstration; it was not requisite for my noble Friend to enter into details with the view of showing the immense advantage of bringing so important a contingent into active service in the Crimea at the very shortest notice, and in the highest possible order. The right hon. Gentleman (Mr. Disraeli) said that at the end of the first year of the war we are driven to ask military aid from a foreign Power. That may be so, but there have been other wars in which we were engaged, and in which, at a period of the contest not much later, we asked similar assistance from that very foreign Power; and I think it was either in the second or third year of the revolutionary war that we found it necessary to give a subsidy to Sardinia. The quicker it is done, I say, the better, if it is to be done. There is no good policy, no economy, no humanity, in protracting the operations of war. Perhaps, in the present case, the error has been on the other side, and, instead of making efforts too slight and too late, as has sometimes been imputed to the Administration, our exertions have been on too vast and excessive a scale. But to accumulate the means of carrying on great operations with speed and effect, and to strike your blows at the most vital parts of your enemy, are, I believe, the foundations of sound military policy; and the great and effective aid you are about to derive from the Sardinian contingent will, I must confess, supply an adequate justification for the proposals of Her Majesty's Government, though I entirely agree with the right hon. Gentleman that the whole question of pecuniary aid to foreign Powers is one which ought to be sifted and scrutinised by the House of Commons with the nicest jealousy, and that such measures are of a nature which canot be justified without the clearest views of public advantage, and without the strongest necessity for their adoption.

Mr. ADDERLEY said, it seemed to him that when a country was willing to furnish aid it did not much matter whether that aid was in the shape of men, of ships, or money. All he asked was that, as it had been argued that men were required, that the country should first be allowed to furnish its own men rather than to employ the men of another nation. The noble Lord who brought forward the Resolution, in the short speech which he had made, thought it was quite sufficient if he passed a panegyric on Sardinia to make the proposal acceptable to the Committee, and he was followed by the hon. Member for Malton (Mr. Evelyn Denison), who had asked whether Sardinia was not a fine country, with a noble king and a noble constitution? They all agreed in that, but still it did not appear to him a sufficient argument for the loan; and when the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) added to that argument that her finances were in a good condition, he made the demand for the loan much less accountable than ever. He granted that if this country was exhausted, the noble Lord could not have gone to a better country than Sardinia to procure men, for he believed there was not a finer army in Europe than the Sardinian army, nor a nobler or more chivalrous Monarch, who had, in the bloody field of Novara, where three horses were shot under him, proved himself a most gallant soldier, as well as a constitutional King. But did that settle the point whether they were to give aid to Sardinia, for whether it were a loan or a subsidy it was an aid. Indeed, it bordered very nearly on the character of a subsidy if they looked to the length of time before the sinking fund proposed would cover the capital, and, however faithfully Sardinia might fulfil her engagements, few Members of that House then present would see the day on which the loan would be entirely repaid. There was also, let him say, something on the face of the Resolution calculated to raise a grave suspicion that by its terms the country was being asked to furnish Sardinia with an annual loan *durante bello.* The noble Lord when asked to state the ground upon which this money was to be lent, said that every one who was acquainted with military affairs must know that it took 40,000*l.* per annum to maintain 1,000 men. Well, for the 15,000 men of the Sardinian army it would, according to this calculation, take only 600,000*l.* a year, being little more than the half of the sum of 1,000,000*l.* that was asked for. It really appeared to him little other than a proposed annual subsidy to maintain 15,000 men, and he protested, with the right hon. Gentleman the Member of Buckinghamshire (Mr. Disraeli), against a recurrence, on the part of this country, to that system of subsidies which during the late war had occasioned such difficulties. The noble Lord had unfairly taunted the right hon. Member for Buckinghamshire, when he said that, according to the right hon. Gentleman, the country should lay down its arms and contract its operations. What the right hon. Gentleman proposed to do was, to develope the resources of the country so as to enable us to fight our own battles with our own men. If this was a temporary difficulty it should be met by a temporary grant, but if, on the other hand, it was to be a permanent provision for Sardinia, why should England be called upon to make it more than any other country involved in the war? In entering into this quarrel, Sardinia would be fighting her own battle and advancing her own interest, not animated by a pure philanthropy in the interests of others. Let them first develope their own resources, let them encourage volunteers and the militia, and, above all —and he called the attention of the noble Lord at the head of the Government to this subject—let them do their utmost to develope the resources of England in her Colonies. He wished to press upon the Government this fact, that one regiment of volunteers from a British colony would be worth more, for the *prestige* of this country, than fifteen regiments from any foreign Power. But it might be said that Canada offered only recruits, and what was wanted was drilled men. Could the noble Lord assure them that the proposed Sardinian forces were not recruits themselves, and not the veteran soldiers that were so necessary. In following up the objections which had been taken by his right hon. Friend the Member for Buckinghamshire, he did so with no desire of in any way impeding the Resolution for a loan to Sardinia, but in order to urge upon the Government the importance of losing no time in developing to the fullest extent the resources of our own country.

MR. KINNAIRD said, he viewed with the highest admiration the conduct of the Government of the King of Sardinia, and he regretted that the hon. and learned Member for Dundalk (Mr. Bowyer) and the hon. Member for Manchester (Mr. Bright) had not come forward to advocate the cause of the depressed people of Italy. Although, however, he was not surprised at the observations of the hon. Member for Manchester, he must express his extreme astonishment that the right hon. Member for Buckinghamshire had selected such an occasion for the discussion to which he had given rise. It was remarks such as those which the right hon. Gentleman had employed that evening which had nullified the proposition of the Government for obtaining the assistance of foreign troops on a previous occasion when the Foreign Enlistment Bill was under discussion; and now the right hon. Gentleman repeated those remarks, and again spoke about a "tributary and a mercenary army." He had himself received letters from officers in Switzerland, in which they stated that, from no mercenary feelings, but from those of the purest sympathy, they would have enlisted under our standard, but that nothing should induce them to do so after the manner in which they had been spoken of in the House of Commons. He regretted that the right hon. Gentleman should have used expressions which must tend to diminish that cordiality between this country and foreign nations, which was necessary to carry out the war to a successful termination.

MR. DISRAELI: Sir, I have never listened to anything in this House with more surprise than the language of the hon. Gentleman who has just sat down. Does the hon. Gentleman mean to say, when he expresses his feelings of astonishment and regret at what he heard me utter, that he really expected a Motion of this kind would have been passed in silence in this House? Why, Sir, what is this Motion? It is a Motion for a Vote of the public money to the amount of 2,000,000*l.*! The hon. Gentleman expresses his surprise that a Member of Parliament should get up and make a comment upon a proposition of this character! Why, Sir, I hold that it would be most indecent in the House of Commons, however unanimous we might be on the policy of this Vote, if we allowed to pass in silence a proposition of so large a character, affecting the public purse, without a comment or any demand for explanation. I entirely protest, also, against what I have observed much in the course of this debate—namely, an anxiety to dwell on the nature of the Government to which we are about to make, what I will now call to prevent discussion, a loan. It is of the utmost inconvenience when questions of this kind are brought before us—when we are asked, on the ground of public policy, to advance from our Treasury a loan of money for the aid of a foreign potentate, that we should have discussions upon the form of constitution, or the nature of the religion professed, in the particular State in question. Sir, I entirely object to those elements being brought into our discussion. I have as much sympathy in the progress of Sardinia as any Gentleman in this House; but if we are called upon to agree to such a Vote as this, on account of the ecclesiastical changes that are making in Piedmont, or on account of the new constitution that recently has happily been established there, we shall, I conceive, be laying down a most dangerous precedent. Why, Sir, we should have, when similar propositions were brought forward in respect to countries where there may be that free constitution or those elements of religious liberty which exist in Sardinia, a new chain of arguments brought into the debate, and a Minister might often find it difficult to recommend his measures to Parliament, if, instead of looking to the abstract policy of the proposition, we should be called upon to consider it in reference to the state of religion or the particular degree of freedom that might or might not exist in the country to which the loan was to apply. There were one or two remarks made by the noble Lord the First Minister of the Crown, which I will take the liberty of noticing. I never wish to avail myself of the privilege of speaking a second time in Committee; but as the noble Lord has spoken twice upon this occasion, he, at all events, cannot have any just cause of complaint against me. The noble Lord's answer to my objections, so far as I could follow him, consisted of imputations against myself. First, he says, I attempted to depreciate the character of Sardinia. Now, Sir, I studiously guarded myself from doing so. It is not very likely that I should be guilty of such conduct, which is so alien to my feelings. But I avoided altogether touching on a point which has nothing whatever to do with the matter. The noble Lord, in the second place, imputed to the Government of Lord Derby, that it was from their negligence the power of our militia had not been more effective and earlier developed. Now, that is an objection which I consider has been already disposed of by a single observation which fell from the hon. Gentleman opposite; and as the House seemed also to be of the same opinion, I thought it unnecessary to dwell upon it. The noble Lord must remember that it was with the utmost difficulty the original Militia Bill was carried which secured the services of this body in this country. It is also well known that it was sought to introduce a clause into that measure which would have secured its condemnation. The noble Lord also says, that it would have been preposterous before war was declared that any attempt should be made to increase the forces of our army by the development of the power of our militia. Now, this is the second or third time that the noble Lord has urged that argument; but he quite forgets that while these negotiations were going on—before war was declared—this country was preparing, under a Government of which he was a Member, two magnificent fleets. It appears, then, that the noble Lord had no objection, while these negotiations were going on, and before a declaration of war, to take part in preparing those two vast armadas. Why, then, should we not try to increase our militia force, and thereby secure the strength of our army, I cannot comprehend. I can only account for it upon this ground—that the Government were not sincere in their attempt to carry on the war in which we were unfortunately engaged. The Government in the first instance attempted merely by a demonstration to carry on this war. You sent out large fleets, which came home again without meeting our enemy. I can only account for this by supposing that you never intended to enter upon real warfare, which by your miserable policy you entailed upon this country. The noble Lord has been guilty of another misrepresentation —and in so short a speech I must say I never listened to so many. He says, in the few remarks which I had made I had recommended, at the moment important negotiations were going on, that our military preparations should cease. Why, Sir, on the contrary, I urged upon the Committee, when the original negotiations were going on, and before war was declared, that our military preparations should be pressed forward with much greater vigour than at a time when we should be involved in extreme difficulties. As I said originally, I shall support this Resolution —I shall support it, though I object to the policy of it, because I think that at this moment there is a State necessity which would render it almost the duty of the House of Commons to secure every means that are placed at the command of the Government to carry on the war. But although State necessity may justify me in taking a course which abstractedly I should think impolitic, and which under ordinary circumstances I should deprecate, still I cannot shut my eyes to this fact—that it is the impolicy of the Ministers that has brought about the circumstances that have rendered this State necessity so imperative and inexorable. All that the noble Lord said respecting the conduct of the Government of Lord Derby in reference to the militia I deem too idle for me to notice. But what the noble Lord says in vindication of the Government of which he was a Member, and of that particular department for which he was personally responsible, cannot for a moment be allowed to pass. He wants to persuade us that he did not call out the militia, because there were not then any indications of disturbance in the progress of the negotiations; and that, in fact, his apparent negligence was the consequence of his prescience and sagacity. Why, Sir, it was only last May the noble Lord gave us reasons why he would not call out the Scotch and the Irish militias. And those reasons were that the expense would be too great for him to take the responsibility of incurring. Now, what must be thought of a Minister who in the month of May last, when war had been declared, declined on the ground of expense to call out the militia of Scotland and Ireland? I say that this neglect of developing in its full force and most comprehensive character that nursery of our army is the cause, and the only cause, of our being obliged, under these circumstances, to supply ourselves with this foreign contingent. There is another cause, no doubt, for the necessity of our having recourse to the Sardinian contingent. If you had done your duty with regard to the British army sent out to the Crimea, this measure would never have been necessary. The right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone)—upon whose speech it is unnecessary for me to make any comment, because, subsequently, the right hon. Gentleman agreed with me in everything I said—observed that vigorous action was most necessary if we agreed in carrying on the war. I concur, Sir, with the right hon. Gentleman in this remark; but there is one thing more important than even a British militia or a Sardinian contingent, and that is, if you have a great and gallant army in the enemy's country, you should take care that they do not want raiment, that they do not want food, that they do not want medicine, that they do not want shelter. The hon. Member for Perth (Mr. Kinnaird) attacks me and my Friends because, in December last, we succeeded in defeating the measure of the Government in regard to the enlistment of foreigners; that we did not formally, but that we virtually defeated that measure. Well, I must say that I am happy I contributed, however slightly, to so fortunate a result. If in December we knew what we ascertained a few days after the adjournment of the House, do you think that our debates upon the Foreign Enlistment Bill would have occupied our attention? No, instead of such debates we would be calling you to account for the state of the British army in the Crimea. It is possible or probable that this Resolution which you have put into the hands of Mr. Bouverie may be a necessity. I will not take the responsibility of saying that it is not. I will support it, however, upon that issue, though I am opposed to it abstractedly as to its general policy. But I admit its necessity, because of your mal-administration. It is a necessity, because you have, first of all, failed in making the proper preparations to meet the war in which you have involved the country. And, secondly, by the inefficient measures with which you have conducted the war you have driven yourselves, even at this early period, to this objectionable proceeding. I call it objectionable, because, notwithstanding the speech of the right hon. Gentleman (Mr. Gladstone), I still retain my opinion as to the nature of this particular advance. I will not now discuss whether this is a disguised subsidy or a formal loan; but this I know, it is most unfortunate that at so early a period of the struggle we should find ourselves obliged to have recourse to means of this kind. And whether it be right or whether it be wrong, I am not sorry I have had this opportunity thus early of protesting against a renewal of a system of subsidies by this country. If you are not recommencing that system, so much the better for England. I should be glad to acknowledge that I am in error in this respect. The system is one which failed in the hands of Pitt—it broke that mighty spirit; and I confess I have not that confidence in the noble Lord at the head of the Government to believe that he will succeed in that in which Mr. Pitt failed.

VISCOUNT PALMERSTON: Sir, I think that the right hon. Gentleman has misconceived and misrepresented what fell from the hon. Member for Perth (Mr. Kinnaird). I did not understand that hon. Gentleman as finding fault with the right hon. Gentleman for disapproving either of the policy of the Government or of the measure now produced. But that which he did disapprove of was the language which he thought the right hon. Gentleman had used, representing these Sardinian troops as mercenaries, and tending to cast upon them those imputations which he had cast on other foreign troops which the Government attempted to raise, but whose services the right hon. Gentleman, in his observations upon the measure before Christmas, had prevented us from obtaining. If the right hon. Gentleman did not apply his observations to that measure, then the comments of my hon. Friend would fall to the ground. But my hon. Friend spoke in the belief that the application had been made. Now, I must confess I was rather surprised to hear the right hon. Gentleman—wincing under the taunt—driven to express congratulations to himself that a measure which Parliament had deliberately sanctioned was, by means of imputations cast by him upon foreign troops, indirectly defeated. I should hardly have expected the right hon. Gentleman, in the position which he occupies, to congratulate himself that by the adoption of such means he had prevented a measure, which had been deliberately sanctioned by this House, being carried into effect. I can assure the right hon. Gentleman that that success which he boasts of as having obtained over that measure, has by no means tended to raise him or the party with which he is connected in the estimation of foreign nations. On the contrary, I am bound to say that the indignation which his observations have excited on the Continent has had the most injurious effect upon the general reputation of England in foreign countries. I therefore think that the right hon. Gentleman has been rather hasty in expressing himself in such a spirit. Another observation made by the right hon. Gentleman will not, I think, stand the test of argument. It has been stated by the right hon. Gentleman that it is rather disgraceful to the Administration, that so soon in the course of the war they should be obliged to have recourse to this extraneous means for increasing our effective force. Now, Sir, I say that it is precisely at the beginning of a war that it may be necessary to employ such means, and that after the war has lasted a long time, if unfortunately it should do so, when Government has been able, by those means of voluntary enlistment at its command, to raise the number of efficient men to the required amount to undertake great operations, then these foreign auxiliaries are no longer necessary. At the commencement of a war, when the country is called upon to make great efforts, is precisely the time when foreign auxiliaries are most required, and, therefore, I do not think there is much force in that argument of the right hon. Gentleman. With regard to the question, as to whether this advance is a subsidy or a loan, I can confirm what has been stated by my right hon. Friend (Mr. Gladstone) that, from the very beginning of the negotiations, the Government of Sardinia have repudiated all notion of its being a subsidy, to accept a subsidy being, in their view, inconsistent with the dignity and honour of their country. They thought it was more convenient to obtain the money they wanted, and that it might be obtained on easier terms, through the medium of England than if they had gone alone into the market; they added that they took this money on their own responsibility; and I do not think the engagement thus entered into was one which should be regarded as insufficient. The right hon. Gentleman has deemed it necessary to apologise for trespassing upon the Committee in two speeches, and such an apology is, perhaps, more called for from me, who have exceeded the right hon. Gentleman by one. I wish, however, to observe that on another subject, with regard to the militia, the right hon. Gentleman misunderstood the force of what I said in reply to him. His reproach to Her Majesty's Government was, that we did not, even before the war began, but certainly immediately afterwards, embody the whole militia, and that thus we showed a want of energy and of vigour. My answer to this was complete. It was that as the law stood, the law as brought forward and passed by the Government of which the right hon. Gentleman was a member, we had not the power to embody the militia; and that the law only gave us that power in case of actual invasion or apprehension thereof. It was not until Parliament had passed another Bill, allowing the militia to be embodied in time of war, that we had the power to do what the right hon. Gentleman said we ought to have done. With regard to the Scotch and Irish militia, new Acts of Parliament were required in each of those cases also, and we proposed those measures, and, as soon as they passed, embodied the whole of the militia of those countries. But even if we had had the Scotch and Irish militia embodied at an earlier period, that would not have given us a force available for those purposes for which we now propose that Parliament should give us this contingent.

MR. WALPOLE: I do not wish, Sir, to stop the progress of the Resolution before the Committee. There is no difference of opinion with reference to the passing of that Resolution, though some difference has been expressed in regard to the policy which may be supposed to be contained in it. I think, however, that my right hon. Friend (Mr. Disraeli) may very well congratulate himself upon having brought this subject before the notice of the Committee, for if it had not been fully debated very great misconception might have taken place with respect to the question of loans and subsidies. As it is, the discussion this evening gives a clear intimation of the opinion of this House as to when loans ought and ought not to be made in these cases, and especially I refer to the opinions expressed by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), which appear to me very much in conformity with those of my right hon. Friend, and in which opinions I need hardly say that I entirely concur. The observations of the right hon. Gentleman (Mr. Gladstone) put this question in the best light. He said, with reference to the Resolution before the Committee, that two points were to be established; one being whether this was a safe and a judicious course, and the other whether it was a case in which necessity justified such a course. Now, with reference to the latter point, there cannot be two opinions. A great State necessity has arisen, though upon the causes of that necessity we may possibly differ. In regard to the point, that this is a safe and judicious course, the authority of the right hon. Gentleman (Mr. Gladstone) who must have known what was going on before he left the Cabinet, and of the noble Lord the head of the present Government, shows that there is no idea of a subsidy in this advance to Sardinia, but that it is *bonâ fide* taken as a loan. Now, until these declarations were made, great misapprehension, I think, was entertained upon the subject, and my right hon. Friend (Mr. Disraeli), therefore, has done great service to the country by eliciting these observations. With respect to the remarks of the noble Viscount, that my right hon. Friend had used the phrase of "mercenaries," in referring to the Sardinian troops, I am perfectly certain, as far as my own recollection serves me—indeed, I may say, from my own knowledge—that the noble Viscount, as well as the hon. Member for Perth (Mr. Kinnaird), was entirely mistaken. I have often heard my right hon. Friend express his opinion on this subject in private (and I am sure he said nothing in contradiction to that opinion this evening), namely, that the Sardinian troops, instead of being mere mercenaries, are some of the best troops in the world. [Viscount PALMERSTON: I did not say the right hon. Gentleman used that expression.] With regard to the militia, what my right hon. Friend complained of was, that the necessity which has now arisen has been to a great extent occasioned by the Government not making sufficient preparations for the war in which they must have foreseen they were likely at no distant period to be engaged. Allow me to remind the noble Viscount, that it was my right hon. Friend in the month of July or August, 1853—[Mr. DISRAELI: It was 1854]—it was, speaking more correctly, in 1854 that my right hon. Friend called upon the Government, in the case of war, or the probability of war, not to allow Parliament to be prorogued for the usual period, but that they should meet in the course of the autumn, in order to provide those other measures which now my right hon. Friend justly says the Government neglected to provide. When Parliament met in the spring of 1854, the militia had not been embodied, and, I think, had not been called out for more than the shortest period for which it had been called out before—namely, for twenty-eight days. At any rate, I am sure the noble Viscount never brought in his Bill until late in the Session to enable him to embody the militia in the event of war in the same manner as he could under the Bill which, as an instrument of the Government to which I belonged, I had the honour of introducing to this House, and by which the militia was to be embodied in the case of invasion or imminent danger thereof. Now, nobody knows better than the noble Viscount, for he was Secretary of War during the revolutionary war, and down to the peace in 1815, that under certain words in the old Act of Parliament, and continued in that which was passed through this House by the Government of which I was a member (aided very materially, I admit, by the noble Viscount himself), you always called out the militia before. I agree that there may have been a reasonable doubt upon that point; but instead of charging Lord Derby's Government with want of prescience in not making provision for calling out the militia in time of war, a very great doubt, indeed, has always existed in my mind whether you were justified last year in passing a Bill, as you did, for altering the character of the force you then raised. At the time I said nothing, because I would not impede the Government in raising what they believed a necessary force for the service of the country; but I believe as a general rule it would be better that the militia should only be raised in case of invasion or imminent danger of invasion, except for the purpose of garrisoning your towns. You should give every possible encouragement to the militia to enlist into the army; you should render it a nursery for the army; you should call them out for longer periods to train for the army, and then turn them into the line, instead of (except in great emergencies) drawing these persons altogether from the avocations in which they are engaged, they being a civil as well as a military body. It is not my wish to pursue this subject into anything like a hostile controversy with the noble Viscount, for on this side of the House there is the strongest desire to support him in the prosecution of this war with vigour and efficiency; and no party considerations will induce us to swerve from that determination. I hope, however, that in the prosecution of the war the end of that war will be more carefully looked to than it has been hitherto; that is to say, that you will propose to yourselves a clear, precise, definite aim—that you will know exactly what you intend to do, and that Parliament may be informed as to what you propose; for, as long as we remain in the same uncertainty on the subject in which we have been from the very beginning, I fear you will neither prosecute the war with so much vigour as you would otherwise employ, nor—which I still more apprehend—will you be able to accomplish a peace which will be safe and honourable to the country, and which England as well as the rest of Europe, provided that it is safe and honourable, emphatically desires.

Mr. J. BALL said, he would admit that it was true that the finances of Sardinia had been to a considerable extent embarrassed of late years, but it was important to consider whether it arose from chronic causes, such as deficiency of resources, or merely from temporary causes. He thought that they were purely temporary causes, and that the embarrassment had been brought about by the enormous sacrifices made in 1848 and 1849, and by that most unfortunate campaign with Austria, and also by short crops. There was not the slightest reason to believe in the permanence of the state of things that had arisen from these causes, and in proof of that, he might refer to the great industrial exertions, and the development of the railway resources, which had occurred in Sardinia. In no country in Europe had there, since 1848, been so much capital, in proportion, laid out. Cultivation had also much increased, and the mining resources of the country had been developed in the highest degree. At the same time, he could not avoid stating his belief that some of the recent measures of the Government of Sardinia had been highly impolitic, but he quite agreed with the general course of legislation in Sardinia. As to the charge of culpable extravagance in Parliamentary corruption, he would say that though he had had great intercourse with people in that country, he had never heard an imputation of the kind, except from some of the more violent radicals. The hon. Member for Manchester (Mr. Bright) said the people of Sardinia had acted contrary to their own interests in entering into a treaty, but surely the representatives of the people of Sardinia, who voted for the treaty, ought to know what was best for the interests of that country. If the war were to continue, he did not think it right or just that it should be supported solely by France and England, when the whole of Europe was interested in the objects for which it had been undertaken.

MR. COBDEN said, he thought the hon. Member for Carlow (Mr. J. Ball) had somewhat misapprehended the remarks of his hon. Friend the Member for Manchester (Mr. Bright). His hon. Friend approved the efforts of Sardinia to advance liberal institutions as much as the hon. Member for Carlow, but he thought that they had acted unwisely in this instance. The hon. Gentleman (Mr. Ball) said, the majority of the representatives of Sardinia were in favour of the step which had been taken; but the treaty, if he was rightly informed, was by no means unanimously agreed to by the Sardinian Parliament; and it sometimes happened that Parliamentary majorities were wrong, and minorities right, though the hon. Gentleman would have the decision of a majority submitted to as a doom of fate. He (Mr. Cobden) had watched for some years with great interest the progress of Sardinia, and he yielded to no one in his wishes for the prosperity and freedom of that country; for he regarded Sardinia as the only ray of hope in the dark political horizon of Italy, and he felt that if Sardinia and her Parliamentary and representative Government failed, a heavy blow would be dealt to the hopes of every other State in Italy. That being his feeling toward Sardinia, he could not be accused of speaking of her in a hostile spirit, when he said that he doubted whether she had consulted her own interests in entering into this war. Why should Sardinia, which was the only antagonist to the power of Austria in Italy, be forced into the war before Austria had fired a shot? Was it not like the monkey putting the cat's paw into the fire to draw out the chestnut? During the last two months enough had been heard of Austria entering into the contest. And why, then, was she not invited to enter into it first, rather than a smaller Power, which had always been regarded as a sort of equipoise against the influence of Austria in Italy, and a most salutary equipoise wherever it had been felt? While Austria preserved its neutrality—for virtually she was neutral—could anybody suppose that Sardinia, as against Austria, could gain power and influence? He was sorry, as he had just said, for the step which Sardinia had taken, but he would go so far with the hon. Gentleman below him as to express a sincere hope that the head of the Sardinian Government, in whose abilities he had great confidence, was right, and that Sardinia might be ultimately benefited by the engagement into which she had entered with England and France. Leaving this part of the subject, he was desirous of calling the attention of the noble Lord at the head of the Government to a point in the discussion of the question which he was surprised had not been alluded to before—namely, the time and the circumstances under which the House were called upon to vote this money. For four or five months they had been told that terms of peace had been proposed to Russia, which terms of peace were made the basis of negotiations so far back as last December. On the 2nd of December the Four Points were drawn up, on the 27th of December the interpretation of those points was handed in to Russia, and so long ago as the beginning of January they were told that Russia had accepted them as the basis of negotiations. From that time to the present, everything they had heard tended to the belief that Russia had entertained these Four Points as grounds for negotiations for peace, and, latterly, the steps which had been taken had assumed a far more important aspect. The noble Lord the Member for the City of London had withdrawn from most important functions at the Colonial Office, and was now at Vienna solely for the purpose of negotiating peace upon the Four Points, and they were told, though he did not know how far the report was true, that already two of these points had been definitely arranged. They were also told, that in the course of another fortnight they might expect the noble Lord home from Vienna. Surely, then, they were justified in assuming that this was an important crisis in the war, and that within a fortnight the electric telegraph might flash from one end of Europe to the other the announcement that the dispute had been finally and satisfactorily arranged, and that there was no reason why the belligerent Powers should not agree to an armistice. This must be the result of the Vienna conferences, or else everything that had been done up to this time would be mere childishness and trifling. In a week or ten days they would either hear that peace was probable, or they would be painfully conscious that war upon a much larger scale, and extended, perhaps, all over Europe, would be inevitable. He would suggest, then, to the noble Lord whether, under such circumstances, it was absolutely necessary that the 1,000,000*l.* of money now asked for should be voted; and whether, considering that peace might be entered into, it would not be as well to take into consideration the propriety, at all events, of not involving this country in the advance of so large a sum of money to Sardinia. He assumed that it was not the interest of Sardinia to go to war for the sake of war, and he was told that the troops had not yet sailed from Piedmont to the Crimea; it was, therefore, still possible that no expense would be incurred for the transmission of troops. He would, therefore, advise the noble Lord to look a little before him, for, from the moment that peace took place, a retrospect would begin as to the conduct of the war—the tongues of all parties would be let loose, and every item of mismanagement, waste, and extravagance would be revived to the prejudice of the Government. Was it not possible, if peace should be the result of the negotiations, that this very Vote would be revived against the noble Lord's Government as an item of extravagance for which that Government was responsible. Upon this ground, therefore, he would suggest to the noble Lord to take into his consideration the contingent circumstances which might arise to render the vote unnecessary.

MR. MONCKTON MILNES said, he rose to ask the noble Lord at the head of the Government whether, supposing peace should be concluded before the Sardinian expedition sailed to the Crimea, the obligation we had incurred with regard to the loan would be insisted upon?

MR. BOWYER said, he wished to explain a point to which reference had been made by the right hon. Gentleman near him (Mr. Gladstone), who appeared to imagine that he had charged the Sardinian Government with corruption. No one could be more adverse than he was to attacks upon foreign Governments, but the statement he had made was made for the purpose of showing that the Sardinian Government could not administer its finances in a safe and proper manner, and he could produce facts to prove that what he had said was not a mere vague assertion. His statement with regard to the confiscation of the property of a hospital at Turin was, that the fee simple of the estates had been sold and the proceeds employed by the Government, and repayment of the capital not having been secured to the hospital, it was now left with nothing but the interest.

VISCOUNT PALMERSTON: The treaty was made with Sardinia upon the supposition that the Sardinian contingent would have to go to the seat of war, and carry on operations in conjunction with the British army during the year. The 1,000,000*l.* was to be advanced in two halves, one as soon as possible after the assent of Parliament had been given, and the other at the end of six months. Of course the Sardinian Government wanted the money to meet the greater expenses that were incurred by an army in the field than by an army stationed at home. Some of these expenses would have been incurred in preparing the contingent to take the field; and everybody acquainted with these matters knew that there were a great number of things requisite to equip an army for operations in the field which must be prepared before the army embarked. If peace were proclaimed before the army embarked only a certain portion of expense would have been incurred; on the other hand, if the army embarked and reached the scene of operations before peace was made, a greater portion of expense would have been incurred. Again, if peace were made only after the army had been there a certain time, a still greater portion of expense would have been incurred. The only answer, therefore, that he could give his hon. Friend (Mr. M. Milnes) was this—if peace should be made at an earlier period than the treaty contemplated there would naturally be a fresh arrangement between the two Governments, dependent upon the particular moment at which peace should have been made. If the Sardinian army should have reached the Crimea before peace was made, then an expense would have to be incurred in providing for their return; but he could not imagine that the Sardinian Government would wish to burden itself with a greater amount of loan than was necessary for the particular service which it had engaged to perform, and which it would be called on under that engagement to perform.

Resolution *agreed to.*

Resolved—

"That the Commissioners of Her Majesty's Treasury be authorised to issue, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, the sum of One Million Pounds sterling, during the present year, by way of Loan, to the Sardinian Government, in accordance with the terms of a Treaty concluded between Her Majesty and the King of Sardinia, and the like sum of One Million Pounds sterling in the following year, in the event of the War not having been brought to a close before the expiration of twelve months after payment of the first instalment of the above-mentioned Loan."

Resolution to be reported *To-morrow.*

NEWSPAPER STAMP DUTIES BILL.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. DEEDES said, he had not had the good fortune to be present upon a former occasion, when the right hon. Gentleman the Chancellor of the Exchequer introduced to a Committee of the whole House the Resolutions upon which this Bill was based; but on reading in the usual channels of information the account of what then occurred, he (Mr. Deedes) had been forcibly struck by the very slight encouragement that appeared to have been given to the right hon. Baronet by those who followed him in the debate. It appeared to him that every hon. Member who spoke on that occasion had some stone to cast at the right hon. Gentleman, and that they generally concurred in pointing out to him that the measure he proposed to introduce was not likely to secure the approbation of the country at large. It was his sincere belief that if the right hon. Gentleman had adopted the advice then tendered to him, if he had abstained from proposing legislative interference on this subject, and if he had not followed the example of his predecessor in office, he would have escaped a very difficult task, and he would have had no difficulty, under existing circumstances, in justifying such a course both to the House and the country. He considered, indeed, that the observations of the right hon. Gentleman himself established a strong case against the necessity or advisability of bringing forward this question at the present moment. The right hon. Gentleman based the necessity of the measure upon certain Resolutions which were passed unanimously by that House during the last Session, at the instance of the right hon. Member for Manchester (Mr. M. Gibson). Now, he might observe in passing that he considered abstract Resolutions and abstract declarations of opinion, whether proceeding from bodies or from individuals, as extremely dangerous. Such Resolutions ought to be adopted with very great caution, for they were very apt to rise up in judgment against people at times when it was exceedingly inconvenient to carry them into effect. With regard to the financial portion of the question, the observations of the right hon. Gentleman (the Chancellor of the Exchequer) seemed to him to dispose altogether of the necessity for the introduction of this measure. The right hon. Gentleman said—

> "If we had at this time a surplus revenue, and if the expenditure of the country did not greatly exceed its ordinary revenue, the newspaper stamp would have a fair claim to be considered on any plan for repeal or any readjustment of taxes, and those who object to it might claim that its repeal should have precedence in any financial scheme. This, however, is not the present financial state of the country, and, if the House should decide in favour of this measure, it would be my duty to call upon them to provide for the deficiency of the revenue which might thereby be occasioned by some other mode of taxation."—[3 *Hansard*, cxxxvii. 786.]

The right hon. Gentleman afterwards went on to say—

> "It is my duty to inform the House that the estimate of persons of authority as to the loss of revenue must not be taken to be less than 200,000*l*. Such a loss of revenue is no doubt inconvenient at the present moment. On the other hand, the House will bear in mind that to refuse to repeal the stamp would be to recede from the unanimous resolution which it agreed to last Session, and will render necessary the passing of some measure declaratory of the law."—[3 *Hansard*, cxxxvii. 787.]

He (Mr. Deedes) would be the last person to argue that any general Resolution of that House should be lightly passed over; but there was, in his opinion, a fitting time for all things, and he grounded his opposition to the present Bill on the conviction that this was not the fitting time for proceeding with such a measure as the one now under the consideration of the House. The Chancellor of the Exchequer had, however, determined to proceed with the Bill, and he (Mr. Deedes) would propose as an amendment that the second reading of the measure be postponed till after the Chancellor of the Exchequer had made the financial statement. It might be supposed, from the terms of this amendment, that his objections to the Bill were entirely of a financial nature, but that would not be a correct idea of the fact, for he thought it was open to objections infinitely stronger than those of a financial character, and to which he would shortly draw the attention of the House. His objections went far beyond pounds, shillings and pence, and he would therefore state at once some of those objections. The first clause of the Bill was to him at once a "stopper." He considered that that clause contained the pith and marrow of the Bill, the subsequent provisions relating almost entirely to matters of detail. He found the first clause provided that there should be no further compulsory stamp duty upon any newspaper—that, consequently, did away with the necessity for compulsory registration, and also that no declaration should be required. The regulations which would thus be dispensed with had been established by previous legislation on this subject in order to prevent unfair attacks from being made upon private character, and with the object of raising as much as possible the character of the publications to which such legislation referred, as well as offering a remedy for abuses of the press. These regulations, however, were no longer thought necessary by the Chancellor of the Exchequer, but he (Mr. Deedes) must say, he would regard with very great reluctance, and even with considerable dread, any relaxation of the law which would allow persons to write upon public affairs in such a manner as to excite the minds of those who were comparatively uneducated and ignorant, and whose powers of discrimination were not of a high order. He had seen within the last day or two some papers and publications of the description to which he referred, and he could only say that he should be very sorry to see them multiplied in this country. He objected entirely to the principle of taxing information by the inch, and he saw no reason why the conductors of a paper, who took great trouble and incurred great expense to provide information which was palatable to its readers, should be called upon to pay higher taxation than the conductors of a paper who catered less expensively for the public amusement and information. He would ask the House whether they were satisfied that the present law was so faulty as to require immediate amendment, and, if so, whether the proposition of the Government was calculated to remedy any evils that might exist? He was quite ready to admit that there were faults in the present system that required amendment; that there were anomalies which it was desirable to remove; but he denied that those faults and anomalies existed to such an extent as to render it necessary for the Chancellor of the Exchequer to come down to Parliament at this particular moment with a Bill on the part of the Government expressly providing for their remedy or removal. At some future time a measure of that kind might be introduced with considerable benefit, but he did not think the present Bill was calculated to remove faults and anomalies with fairness and justice to existing interests. He was one of those who thought that the press had sometimes, perhaps, exceeded its fair powers—that it had at times pressed unfairly on individuals, and in its attacks laid hold of points of character which it was very difficult indeed, for those so attacked to set right, or scarcely to defend. He thought that in some of the letters and communications sent from the seat of war the state of matters there had been over highly coloured—so much so as to cause one to entertain a measure of doubt as to the whole of the transactions reported to have taken place. But, notwithstanding the high colouring and some exaggeration that might have occurred, he believed that on the whole this country was greatly indebted to the press for the exertions which it had made to furnish us with information from the seat of war, and he should have deeply regretted to see the press restrained in the discharge of that duty; for he was of opinion that the advantages more than counterbalanced the occasional hardships that might be experienced by indiscreet or overcharged descriptions. In looking at this question, he could not altogether disconnect it from the subject of the general education of the country. There were at that moment on the table of the House two Bills relating to the improvement of general education, and no man could be more anxious than he was to see the working classes partake to the utmost possible extent of the blessings of sound religious instruction. There were on the table of the House the Bill of the noble Lord the Secretary for the Colonial Department and the Bill of the right hon. Gentleman the Member for Droitwich (Sir J. Pakington), and a third Bill was likewise promised from the other side of the House upon the same subject. These Bills, it was said, were to be referred to one Committee for consideration; and he would say that if the tendency of the measure at present before the House was to multiply in the country, or place with greater ease and readiness in the hands of the young and less educated portion of the community, publications which it would be better for their morals they should not have an opportunity of reading, it should be in the power of that Committee to say whether the system of education which they might propose would be improved by having a measure, like the one for which a second reading was now asked, carried through the House. He should like, if it were possible, to have the opinion of the Committee on this question as one closely connected with the general education of the country. Another question of great importance to which he would allude was that of copyright. In dealing with this point he had the advantage of the opinion expressed by the right hon. Gentleman the late Chancellor of the Exchequer. When speaking on the subject he said—

> "There is another point which is not a matter of indifference to me—namely, the question of copyright for the protection of literary property in newspapers. I don't wonder, so far as we know anything of the plan of my right hon. Friend from his explanation to-night, that he has not included in his Bill any clauses upon this subject. I think, indeed, it is a matter with reference to which it would be very difficult to devise a plan. At the same time I am under the impression that the proprietors of newspapers, in many cases, entertain great anxiety that the provisions of the law with respect to the protection of literary property should undergo special consideration, and should, if practicable, receive some extension with a view to the protection of literary property in newspapers. Undoubtedly, so far as the article that is most strictly called 'news' is concerned—for instance, the communication of facts, which may generally be comprised within a very brief space, and the language, the outward shape and form of which can be varied almost at will—I do not know how you are to introduce any further provisions than the law at present contains; but I have understood from some persons, who ought to be well informed on the subject, that the great anxiety of those who think this question worth consideration in the press as it stands, is not so much directed to the protection of their 'news,' strictly so called, which, in point of fact, it would be very difficult to protect, as to the protection of what may more fairly be called their literary compositions: . . . . I, for one, am very anxious that, either in the plan of my right hon. Friend, or in some other effective form, this question should be brought to a settlement."—[3 *Hansard*, cxxxvii. 792–3.]

Having read this opinion, he would appeal to the right hon. Gentleman to say whether he saw any settlement of this question in the Bill before the House. There was no protection whatever to copyright in this Bill. The words in which the right hon. Gentleman concluded this part of his address were so strong that he would read two sentences more:—

> "I do not venture to prejudge this question, but I would venture to express a hope that, in endeavouring to carry out the principle of the freedom of the press, my right hon. Friend will not be indisposed to take into his favourable consideration any reasonable proposition which may be made to him for the improvement of the law of copyright, in order that we may not run any risk of breaking down that system under which the highest talent in the country is applied largely and advantageously devoted to supplying the public with intelligence, and to the discussion of that intelligence. I must confess that I should regard the destruction of that system as a public misfortune—a misfortune which I am the less disposed to incur, because I do not look upon it as a natural or necessary consequence of the important measure of emancipation which is now contemplated by Her Majesty's Government."—[3 *Hansard*, cxxxvii. 794–5.]

Now in his (Mr. Deedes's) way of reading the measure, he could see no chance of remedying the misfortune which the right hon. Gentleman deprecated. He thought the general tone adopted by the press of this country had very much improved compared with what it was some years ago, and therefore he thought that its interest should be the more protected. He remembered, not so very long since, when day after day, and week after week, prosecutions were instituted on the part of the Attorney General against publications that were a disgrace to the country, and he should be excessively sorry to see that time return again. He believed that the country at large was very well satisfied with the law as it now stood; that it was equally satisfied with what the press did for it in the way of publishing all events that it was desirable to know, and which were increasing every day, and therefore he submitted that, unless in much more favourable circumstances than the present, there was no ground for interference, particularly of the nature proposed by the right hon. Gentleman the Chancellor of the Exchequer. It might be asked why, when he (Mr. Deedes) had these objections to the Bill, he did not at once move that it be rejected altogether. This would probably be best answered in the reply which he gave to a question put to him several times since he had placed his Amendment on the paper—namely, whether he wished to turn out the Government. To that he answered decidedly not. He did not wish to turn out the Government; on the contrary, he would regard it as a calamity were such an event to happen at a moment when a distinguished Member of that Government was carrying on negotiations for peace at Vienna. He brought forward the motion in no hostile spirit to the Government. He was one who approved entirely the course taken by the noble Earl who was first sent for by Her Majesty on the occasion of the recent Ministerial resignations, and who thought it was advisable to endeavour to call in the assistance of those not immediately connected with him in politics, as he could not form a strong Government without so doing, and he considered that he was right in the course he subsequently took. He was ready to give every independent support to the Government, and he did not know it could be said that he had, ever since he had a seat in that House, manifested anything like factious opposition. He would now pass to the financial aspect of this question, and in referring to which he was at a loss to imagine on what ground the proposition he now made could be reasonably resisted. He had already stated the opinion of the Chancellor of the Exchequer with respect to the finances of the country, and he would now bring before the House the view taken by his right hon. Friend the Member for Portsmouth (Sir F. Baring) who once held the high position of Chancellor of the Exchequer. That right hon. Gentleman thought the House might count on the loss of 250,000*l.* of revenue in adopting the proposed arrangement. He added—

> "The Chancellor of the Exchequer has fairly told you that if you pass this measure he must of necessity propose some other taxation to compensate for the sum it is now proposed should be lost. Well, then, let us know what is the taxation which the right hon. Gentleman will propose in lieu ?"—[3 *Hansard*, cxxxvii. 796.]

That was but right and reasonable in his (Mr. Deedes's) opinion, as the present was not the time when large sums could be passed over without explanation, or without the House being told what was the remedy to be applied in each case. His right hon. Friend (Sir F. Baring) proceeded to say—

> "We ought not to proceed to vote away a quarter of a million of public money until we have before us the whole state of the finances of the country, and are thereby able to take a full and comprehensive view of the subject. I will not now enter further into the details of the plan which the Chancellor of the Exchequer had explained so clearly and candidly to the House, but if he proposes, after bringing in his Bill, to pass it before his financial statement is made, I am afraid that he will find me prepared, even if I should find myself in a minority of one, to vote for the postponement of the measure."—[3 *Hansard, Ibid.*]

He (Mr. Deedes) claimed to be allowed to make number two in that minority. The hon. Member for Wick (Mr. Laing) said—

> "It was impossible for that House to conceal from itself that the expenditure of the country exceeded by many millions any sum which could reasonably be expected to be raised by taxation during the year ; and, under these circumstances, it was, in his opinion, wrong to remit a tax which produced 200,000*l.* At such a time it was not expedient to remit taxation in order to court popularity, however unpopular any tax might be."—[3 *Hansard*, cxxxvii. 807.]

The hon. Member for Evesham (Sir H. Willoughby) and another hon. Member followed in the same strain. He alluded to the speeches of these hon. Gentlemen in order to justify the course he had adopted of submitting an Amendment to a Bill of such importance as that before the House, and to show that other Members took the same view that he did, whose opinions were entitled to infinitely more weight than he could pretend to. Turning to the speech of the right hon. Member for Manchester (Mr. M. Gibson) and that of his hon. colleague (Mr. Bright), he could not hope to receive much support from them, but he was thankful for the little he could get. The right hon. Gentleman had said, "that he quite agreed with the Chancellor of the Exchequer as to the difficulties to be met, and that they must be careful in a time like this of abandoning any sources of revenue." He (Mr. Deedes) thanked the right hon. Gentleman for so much, as it strengthened the view which he (Mr. Deedes) took as to the impropriety of interfering, as they would by the present measure, with the sources of revenue at the present time. The hon. Member for Manchester's speech gave but little indication of support to the Amendment, and he, indeed, seemed to anticipate that an application would be made for the postponement of this measure, for he said, "that he did not consider the measure to be as good as that proposed by the late Chancellor of the Exchequer. He denied its being a matter of revenue, and urged upon the Chancellor of the Exchquer to bring in a Bill, and to pass it as fast as the House would allow him to do so." He should not trouble the House with any further extracts, and should say but little more in support of his Amendment. He had said that he considered that the press of the country was generally well conducted, and that its exertions were so meritorious, and that in it was embarked so vast an amount of property as fairly to entitle it to protection; he looked, also, to the present measure with fear, as he thought it would lead to the introduction of papers of a low and immoral character, which would tend to injure the ignorant and the young, and to detract from that high character and standard which the press of this country had now taken. He believed, moreover, that the country did not require this change, and that by far the greater portion were satisfied with the law as it at present stood, and that, if the country could be polled as to the advisability of the change proposed, and of substituting a fresh tax for 250,000*l.*, that there would be no doubt as to the result. He also pressed the adoption of his Amendment on the House, on the ground of the extreme unfitness of the moment chosen by the Chancellor of the Exchequer for making this change. He considered also that this question had not been sufficiently long before the House to enable them thoroughly to understand all its details, and if the postponement of the Bill should be permitted, and the Chancellor of the Exchequer should be disposed, after he had made his financial statement, to press this measure, he would be able to do so then with as great advantage to himself as he would derive from pressing it forward at the present time.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon Monday the 30th day of April next."

Question proposed, "That the word 'now' stand part of the Question."

SIR BULWER LYTTON: I can, Sir, assure my hon. Friend the mover of the proposed amendment, that it is with great pain that on this question I am conscientiously compelled to differ from him, and, I fear, from some other gentlemen on this side of the House with whose opinions on most subjects I cordially concur. Before I sit down I shall examine the validity of the arguments on which my hon. Friend has based his amendment; but I am glad to hear from him that he would not restrict the debate to the cramped and narrow ground on which his amendment would place it—that he would not reduce to a question of pounds, shillings, and pence a principle which I will endeavour to show to be one of the most important, and in point of time, one of the most pressing, which a House of Commons can entertain. I can, indeed, advance some claim to the original paternity of the measure my hon. Friend considers to be so mischievous. I believe I was the first person who ever introduced into this House a motion for the repeal of the taxes on knowledge, including the stamp duty on newspapers. Sir, when my hon. Friend says that this subject has not been sufficiently long before us, he must allow me to tell him, that it is more than twenty years ago that I first brought this question before the House; I was then a very young man, but the opinions I then entertained in favour of the total repeal of the newspaper stamp duty are not removed—they are strengthened by the lapse of time; for within the last twenty years there has been a great increase of intelligence among the people, and any danger to be apprehended from the sudden diffusion of cheap newspapers is, therefore, considerably less now than it was then. But why is the danger less? Why has intelligence increased? Because within the last twenty years all kinds of cheap publications have abounded, and the public have had the wisdom to choose the best and reject the worst. The very arguments now used by my hon. Friend against cheap newspapers were once used much more boldly against the principle of cheap publications altogether. We were then told that the common mass of the people would prefer worthless and inflammatory works, and that to adapt the market to their pockets would be to corrupt their understandings. Now what has been the fact? why that in proportion as good books have been made cheap, bad books have retreated from circulation. Ask anywhere what books most please the artisan or mechanic, and you will find it is either elementary works of science, or if books of amusement, the very books of amusement that scholars and critics themselves prefer. And now that the people have thus nobly disproved the fear of cheap publications which prudent men might once have entertained, have we a right to listen for a moment to such assertions as I see the newspaper proprietors have put forth, and my hon. Friend has condescended to echo—that any newspapers cheaper than their own must necessarily appeal to the worst passions and prejudices of the lowest class? Now, Sir, is it the cheapness of the newspaper that will corrupt the artisan, or is it the baseness of the artisan that must corrupt the newspaper? What are these assertions but the most groundless declamation, disproved by all the experience we have now obtained of the taste and inclinations of the working class, disproved by the thousands and hundreds of thousands of cheap publications which have brought to the cottage and the loom—what?—a debased and contaminating literature? No, the same refined and elevated knowledge which delights and instructs ourselves. I beseech the House to separate the details of this measure from the broad principle. On the second reading of the Bill, it is to the principle we should look. I agree with my hon. Friend (Mr. Deedes) that there are provisions in the measure that require alteration, but those portions of the Bill that are objected to can be altered in Committee. Many details may require hereafter our most serious consideration, but I will now only make upon some of them one or two passing remarks. For example, I think it an act of justice and sound policy, not only to secure the copyright of all original matter to newspapers, but to give a cheap and summary mode of protecting that copyright similar to that which exists for copyright in manufacture under Sir Emerson Tennent's Act. I think, too, that the complaint of *The Times* as regards itself is just. When you are introducing a general law by which newspapers are to go through the post at a penny, it seems to me fair and reasonable that you should take as your standard of weight or size that newspaper which has the largest circulation and in which the public feel the deepest degree of interest. I am told that the right hon. Gentleman the Chancellor of the Exchequer means to recur to the principle of weight. If so, I say, weigh *The Times* as your standard—

> "Expende Annibalem—quot libras in duce summo
> Invenies."

And it seems to me not a worthy distinction in so wholesale a change to separate *The Times* from the Supplement, which is an integral part of the paper, and that, too, a part of which the unrestricted diffusion is of so great an importance to the intellectual and commercial community. I agree in all that my hon. Friend has said with regard to the high character of the press of this country. Far from entertaining any grudge to the existing newspaper press, far from seeking to undervalue its signal merits, I grant that it is an honour to the country from the ability of its compositions, the integrity of the men who adorn it, the vast and various information it diffuses, and making fair allowances for the heat of party spirit and the temptations of anonymous power, for its general exemption from wilful calumny and personal slander. And if I desired to leave to remote posterity some memorial of existing British civilisation, I would prefer, not our docks, not our railways, not our public buildings, not even the palace in which we now hold our sittings; I would prefer a file of *The Times* newspaper. Could I, then, believe that the change proposed would deteriorate the moral and intellectual character of the newspaper press, I fear I might have the weakness to cling to the existing system, if it had not so crumbled away that I can find nothing to cling to but an Attorney General who dares not prosecute, and a jury that would not convict. But then it is the taste of the public that forms the newspaper, not the newspaper that forms the taste of the public; and if the press is an honour to the country, it is because it represents what honours the country still more—the good sense and civilised humanity from which the press takes its colour and its tone. Now, you have been told that this change will degrade our press to the level of the American, and you have been led to infer that the American press is left solely in the hands of ignorant adventurers, whereas the remarkable peculiarity of the American press is that it represents nearly all the intellect of that country. There is scarcely a statesman of eminence, an author of fame, who does not contribute to the American periodical press; and, therefore, the editor of one of their journals says on this very subject, "If the American press is inferior to the English, it merely argues that the intellect of the country is inferior, for nearly all the available intellect of the United States is engaged in their press." This serves to show you that if our press is superior to the American, it does not depend upon fiscal laws, but upon the general standard of civilisation; in other words, the press can but reflect the public.

Upon the financial part of the question, on the alleged loss to the revenue, I will touch later; but I cannot consent to allow the grand principle involved in this Bill to be dwarfed down to the level of a budget. What is that principle? I will place it upon broader ground than that taken by the Chancellor of the Exchequer, who, indeed, seems to regard the Bill rather with the reluctant and frigid toleration of a stepfather than the glowing love of a parent. The principle is this—that you ought not in a free country to lay a tax on the expression of political opinion—a tax on the diffusion of that information on public affairs which the spirit of our constitution makes the interest and concern of every subject in the State. Still more, you should not, by means of that tax, create such an artificial necessity for capital that you secure the monopoly of thought upon the subjects that most interest the public at large to a handful of wealthy and irresponsible oligarchs. That is the principle at stake; that is the question before you. Turn it as you will, you cannot get rid of the fact that as long as this newspaper stamp duty exists no man, whatever his knowledge, his honesty, his talent, the soundness of his conservative opinions, can set up a daily journal on the affairs of the country without an enormous capital—not even a weekly one without a capital of some thousand pounds; and, therefore, the stamp duty does confine the liberty of expressing opinion as much as if the State actually sold for a large sum of money the right to monopolise the market of public information. Now, one result of thus narrowing the representation of opinion is, that large sections of opinion are either not represented at all or represented very inadequately. And I doubt very much if there are ten thoughtful men on either side the House who can say that, on many of the most important questions, there is now one daily newspaper with which they can cordially agree. Take the great Conservative party; consider, first, its numbers throughout the kingdom — in the counties generally a large majority; in the towns, even most hostile, generally a large and influential minority; compute its strength, not in numbers alone, but comparative intelligence; consider how large a share of the highly cultivated classes, in the learned professions, in commerce, among the gentry, entertain Conservative opinions. Now turn to the daily newspapers, and ask yourselves if those opinions are represented in any proportion to the numbers and intellectual eminence of their supporters throughout the country? There are two ways of representing opinion—one through Parliament, the other through the press. Now, I ask, how are the Conservatives represented in Parliament? My hon. Friends will tell me that they are confessedly the largest single and integral body in the House of Commons. How are they represented in the press? Why, no single subdivision of political opinion is represented so sparingly. Compute the number of Conservative journals, compute the number of copies they sell, at the price you are told to keep up, and you will be perfectly astounded at the disparity between the influence of the Conservative party in the country and their representation in the press. But if this stamp duty were removed—if every able man among you had the right to defend your cause in the form of a journal without this necessity for capital, can you doubt that all which talent or knowledge can bring to bear on behalf of your political creed would find its fair and natural channel? And though the best newspaper, as a record of news, will be always that which has the largest capital, yet the best opinions are not always found in the best newspapers, and many readers who would take one journal for the sake of its general news would take another on account of their sympathy with its political doctrines. No doubt all opinions—those you condemn as well as those you approve—would obtain their utterance. But twenty years ago I assured myself that on the liberal side of the question safe and sound thinkers would hold it an imperative duty to stand forward and counteract the danger of all socialist and revolutionary doctrines, and, on the Conservative side, are we so barren of literary talent, or so indifferent to the spread of our principles, that free competition will not yield us additional advocates? No; a host of writers would appear to divest the popular mind of those prejudices against existing institutions which are now left to circulate in defiance of this law, and without any answer at all; for I cannot learn that there is at this moment a single Conservative journal which penetrates the mass of the working class. Sir, I am convinced that if this stamp duty, this obstacle were removed, many an eminent public man, many an eminent man of letters, would start small cheap papers, not attempting to vie or interfere with the special province of *The Times*, but conveying opinions stamped by the responsibility of his avowed name. You would thus call in the principle of cheap competition, not to lower, but to elevate still more the character of the newspaper press; for nothing would so exalt the social position of gentlemen engaged in newspaper literature as some signal exceptions to that anonymous mystery which now shrouds all attacks on the characters of public men. I do not mean to say that the preservation of the anonymous system may not at times be useful and even necessary; but I do say that its rigid and uniform use is the only power of the press which I hold to be invidious and derogatory. No more able, no more accomplished gentlemen than the contributors to the higher departments of the press can adorn our circles; yet it is in vain to deny that we feel a certain uneasiness in the social intercourse with men to the exercise of whose talents secrecy is so imperative a law that the man who clasps us by the hand to-day, may, in the discharge of his professional duty, sting us to the quick to-morrow, darkly and in secret. Mr. Fox once told this House an anecdote of a witness on a trial, I think, for murder, who gave his testimony against another man on the ground that a ghost had appeared to him, and said so and so. "Well," said the Judge, who was a person of considerable humour, "I have no objection to take the evidence of the ghost; let him be brought into court." These anonymous newspaper writers are as ghosts. We do not object to take their evidence, but there are times when I should like them brought into court.

This subject has been far too much argued as if it were a question between the tax collector and the newspaper proprietors. I could not help smiling when the other evening I heard an hon. Member say that they did not complain of the law, and why, then, should it be changed? What corporate body, I ask, ever did complain of a law which restricted competition, and secured to itself a virtual monopoly? And I am perfectly amazed to see these journals, most of which honoured us poor Protectionists with such hard names, now arming themselves with all the antiquated arguments in favour of protective duties, amounting to absolute prohibition, which during the last ten years of the discussion on the corn laws the stoutest friend of the farmer would not have ventured to use. Sir, the question really is between the tax collector and the public, and it is this—whether it is not time that we should enforce that great principle of the constitution of civil liberty, and of common sense which says that opinion shall go free, not stinted nor filched away by fiscal arrangements, but subject always to the laws of the country against treason, blasphemy, and slander. Those laws will still remain, though the question has been argued as if they were to be swept away. But thus much it is just to say on behalf of the working classes, to whom we are told that cheap libellous periodicals will especially appeal—that no class hitherto has so little supported newspapers of a libellous and gossiping character as the working classes of this country. I remember when certain Sunday journals profaned the Sabbath by hebdomadal ribaldry and scandal. Who supported them? I fear it was the clubs and the drawing-rooms. Certainly it was not the working class; and those journals ultimately perished, because they could obtain no circulation among the common people, and no sympathy from the public in the actions that were brought against them. It is a remarkable fact, and one that shows how little the danger of publications depends on their price, that profligate and licentious literature always begins by corrupting the higher class before it reaches the lower. I know no instance to the contrary in the history of all literature, ancient or modern. Take the examples with which we are most familiar. It was the nobles and wits, the well-born abbés and great ladies of Paris who brought into fashion and introduced to the artisans of France the chimeras of Rousseau, the infidelity of Voltaire. And I do not believe that the inflammatory catchpennies that now, in defiance of your law, circulate through our manufacturing towns, would last six months after the repeal of the stamp duty had removed the morbid attraction which belongs to things proscribed and forbidden, and exposed them to the competition of sound and healthful writings at the same price. This is not a mere theory, it has been partially tried. It appears in the evidence of the Committee of 1851, that the appearance of one or two legal threepenny papers in London, though they were by no means first-rate, sufficed to destroy an immense swarm of unstamped pernicious publications which had before circulated throughout the metropolis. Let us, then, do with this field of letters, what we country gentlemen are learning to do with our fields at home; if we want the corn to have fair play, we clear away an unnecessary hedgerow full of thorns and brambles, and expose the ground well to the sun and to the air. But at this time of day it is superfluous to argue the principle that opinion should not be indirectly suppressed by a tax, when the boldest man among us dare not invade it by an open law; and, indeed, if we desired to do so, we have no longer the power. The right hon. Gentleman the Chancellor of the Exchequer has told us without any exaggeration, though perhaps rather reluctantly, that the stamp duty has broken down in all directions. There are not, as he states, only 100, for there are no less than 250 publications subject to the Statute, only partially stamped, and all liable to prosecution. If you do not prosecute them all, with what justice can you prosecute one. It is all very well for the Chancellor of the Exchequer to say, with that grim complacency, if you don't pass this Bill you must arm the Government with new laws —with new powers of prosecution. Now, Sir, I feel confident that this House of Commons will do no such thing; if we did frame new laws for checking the circulation of knowledge, or if we did make what is asked—a new arbitrary distinction between political journals and those of a different nature, we should do more to expedite the march of a democratic reform Bill than all which the restless spirit of the noble Lord the Member for London—that is to say, when out of office—could effect. And if we were blind and harsh enough to frame such laws, I should like to see the Attorney General who would have the courage to enforce them, or the Government that would have the insanity to allow him. While we discuss, the law for all good purposes is virtually dead. You may retain the sword for a time in its nerveless hand. I defy you to renew the energy of its muscles. I defy you to strike the blow.

I now come to my hon. Friend's Amendment. He says, "Will you hazard the loss of 200,000*l.* of revenue at a time when you will require new taxes for carrying on the war with Russia?" But against what do you wage war? It is not against Russia as Russia. In commercial interchange Russia is our natural ally. It is against Russia when she appears as the symbol of barbaric usurpation and brute force. Why, then, out of the millions you devote to secure the distant boundaries of civilisation, grudge a paltry fraction towards the service of those two great agents of civilisation at home—freedom of opinion and popular knowledge? I ask my hon. Friend, is there any usurpation more barbarous than that which usurps the utterance of thought upon public affairs? Is there any type of brute force more odious than that which an Attorney General will embody if he is to say to a jury, "This publication is harmless—nay, its contents are most valuable; but the proprietor was not rich enough to pay a duty imposed on the liberty of printing, and I call upon you, in the name of the law, to stifle the knowledge you admire, and to ruin the man who has a claim to your gratitude." Now, Sir, I do not believe the Chancellor of the Exchequer will lose one single farthing, if he adds to his Bill, as is proposed, the privilege of transmitting all printed papers by the post at the same proportional charge as periodical journals. More than twenty years ago I went carefully into the details on this very subject, for it formed a part of my own scheme, and I convinced myself that the number of tracts of all kinds, religious, literary, or commercial—of catalogues of booksellers and land agents—of writings purely intended for diffusion, would, under the plan proposed by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) yield a sum far exceeding the deficit now alleged, while the addition to the paper duty itself will, I think, prove sufficient compensation. But even if it were otherwise—I put this question to my hon. Friends as Conservatives—are 200,000*l.* too dear a purchase for restoring authority to laws that no more stringent provisions will enable you to enforce? Should the dignity and efficacy of the law be to Conservatives mere items of revenue? No; they are objects beyond all price, and I am persuaded that we should not have heard a word on the fiscal part of the question—never have had this Amendment—if hon. Gentlemen were but convinced that the measure itself were safe and prudent; if certain interested parties out of doors had not sought to alarm us by assertions of another kind of danger than that of loss to the revenue—assertions so absurd to the sense of all who are acquainted with the practical conditions of our literature that those who make them would be the first to laugh at our credulity if we believed them. Assertions that a fivepenny journal must be respectable, and a penny journal must be licentious, and all such trumpery, as I find in this notable electicism of twaddle and bugbear, which has been circulated among us, and called "Objections to the Newspaper Stamp Act." This was against the first Bill, but it is meant equally to apply to the present. Here I find it stated that among the most active agents for a change are persons whose avowed object is the diffusion of opinions adverse to religion and subversive of the rights of property. And this courteous insinuation against those who differ from themselves is put forth by the very innocents who have such a horror of libel! Whom they mean, I know not. Among the most active for a change are the hon. Members for Manchester and the West Riding, who hold doctrines some of us consider extreme, but at least they express their doctrines openly and plainly, and I have never yet heard that they avowed opinions adverse to religion and subversive of property. Among those whom I have remembered most favourable to a repeal of this duty were the late Lord Althorp, Lord Brougham, Lord Campbell. Lord Lyndhurst, has, I think, expressed himself in favour of it. There is also that very natural enemy to the rights of property, the heir of the house of Derby (Lord Stanley). There is that notorious foe to religion, the representative of the University of Oxford (Mr. Gladstone). And the most active agents for a change are Her Majesty's Ministers, who, whatever their faults, are, I presume, tolerably well satisfied with what is called the established order of things. I have looked well through this paper; all its arguments are comprised in two libels; one against those who advocate cheap newspapers, the other against those who will read them. It reminds me of what Horace Walpole said of a lady, "That she had as fine a set of teeth as any one could have who had only two, and both of them black." Do not let hon. Members be thus led away. Do not let Conservatives continue to be cheated out of all fair chance to explain their opinions to the working class. My right hon. Friend the Member for Droitwich (Sir J. Pakington) in the course of his luminous speech on introducing his noble Bill on education, alluded to the letters of our private soldiers in the Crimea, which have excited such just admiration. Let me ask, Sir, how have the minds of these soldiers been trained to love and defend their country?—trained to those great conservative principles, humanity, discipline, fortitude, and patience? Is it not, in part, by the cheap publications that have instructed the childhood of the present generation; and ought not that to teach you how little, as Conservatives, you have to fear from any department of cheap knowledge? Do not fancy that this penny tax is a slight imposition. Do not fancy that a penny paper is necessarily low and bad. Once there existed a penny daily paper—it was called *The Spectator*. Addison and Steele were its contributors. It did more to refine the manners of this people than half the books in the British Museum.

Sir B. Lytton

Suddenly a halfpenny tax was put on that penny paper, and so one fatal morning the most pleasing and graceful instructor that ever brought philosophy to the fireside had vanished from the homes of men. True that it survived the first stroke which laid low its feebler contemporaries; it doubled its price—it did not immediately decline in its circulation; Dean Swift believed that it would still lift up its head, and march gallantly under its burthen. But no, it began to stagger—to droop. On the third month from the day it first took the load, with so haughty a crest, it fell to the ground:—an attempt was made by its writers to raise it under a new name, and strengthen it by the tonic of party politics; that attempt, too, finally succumbed. It then, after a long interval, resumed its old appellation—*The Spectator* appeared again. Addison put into it the noblest efforts of his strength—in vain. The fatal tax was too powerful for Addison. In a few months it sunk, never to revive. Yes, Sir, a halfpenny tax sufficed to extinguish *The Spectator*, and divorce that exquisite alliance which genius had established between mirth and virtue. I turn to my hon. Friends around me. I say that I am convinced, earnestly and conscientiously convinced, that a penny journal, containing moderate Conservative opinions, managed by some gentlemen as familiarly acquainted with the tastes and feelings of the humbler classes as, for instance, many of our plain squires and country clergy are, would do more to popularize Conservatism, than half the party speeches we make in this house. For what is Conservatism? Surely not that which its enemies, surely not that which three-fourths of these fivepenny journals represent it to be? It is not a stern and lifeless system of restraint and terror, but a warm and generous love for the free laws, the liberal altars, and the glorious people of the land in which we live. Is it the constitution you would conserve? What is this English constitution? Not a crazy and decrepit form that must shrink from every breath of air, that cannot face the rude popular gaze, nor stand the manly shock of contending opinions. No; it is a robust organisation of sound principles, which has received its life and its soul not more from the wisdom of statesmen than from the courage of dauntless patriots. As such, are we not bound, we lovers of the constitution, to prove that we do not fear discussion? Are we not bound, we Conservatives, bound especially, to justify resistance to wanton inroads on that constitution, by showing that it needs no hazardous Reform Bill to give to the people every access to knowledge—every facility to make themselves better and wiser? And it is because I believe this to be our duty and our policy as true Conservatives; it is because I hail an occasion to show that we do not dread the good sense of the humblest class of our countrymen in any fair discussion between them and us; it is because I am convinced that as we widen the field of literature, we raise up new champions for ourselves, and best counteract the poison to which a worthless law now forbids the antidote, that I give to the main principle of this measure my most cordial and hearty support.

THE ATTORNEY GENERAL said, he thought that the House ought clearly to know how this matter stood, for when that was explained he thought that all hon. Gentlemen would agree with him that it would be most inconvenient any longer to delay the second reading of the Bill. The present condition of the law was most unsatisfactory and perplexing, and matters were in a very anomalous position, arising out of the permission which had been accorded to certain classes of publications to omit the affixing of the stamp. There was no doubt but that, in the first instance, the stamp duty upon newspapers had been imposed for political purposes; of late, however, that view of the matter could hardly be maintained. Hence it was that after a time Government had permitted certain periodicals, which strictly fell within the intention of the Stamp Act, but which did not come up to the popular idea of a newspaper, to stamp only a portion of their impression. Such periodicals were addressed specially to certain subjects, almost, indeed, to certain classes of readers exclusively. As instances, he might name the *Athenæum*, the *Literary Gazette*, the *Musical Times*, the *Builder*, and certain papers devoted to legal subjects, such as the *Jurist*, &c. In course of time this led to a new class of papers coming into existence—papers which, though not devoted to those higher and more intellectual subjects which at first were held to form fair grounds of exemption, yet confined themselves to one subject exclusively. Of this class were *The Racing Times*, which was devoted to subjects connected with the turf, and *The Police Gazette*, which gave reports of the cases before the police courts. It became, then, a question whether the indulgence should be extended to papers of this description also, and eventually it was considered most advisable that, instead of constituting the Board of Inland Revenue a tribunal to decide how far a particular paper was deserving of exemption, one general rule should be adopted, and that all papers devoting themselves to the discussion of one subject should be alike exempted. A great variety of class papers then came into existence, but presently some of them began to publish what certainly was news in the general and more popular acceptation of the term, and it then became a question as to the amount and character of the intelligence which should take a paper out of the category of class publications. Was a paragraph to be sufficient—or half a column, or a whole column? In this way there arose a most embarrassing difficulty. If, on the one hand, the officers of the revenue did not enforce the law rigorously, and put down papers of this class, then immediately a great outcry arose from the papers subject to the tax against the injustice inflicted on them; and if, on the other hand, they did insist upon the payment of the tax by this description of class papers, there was a great outcry from these in their turn against the system which allowed some papers to be issued without a stamp, and, at the same time, singled out others for prosecution. A further embarrassment was immediately afterwards added to this perplexing state of things. The House of Commons interfered, and, on the motion of the right hon. Member for Manchester (Mr. M. Gibson) declared that the law was not properly administered, and that the Government ought not to take upon itself to make a distinction between one class of periodicals and another. Under these circumstances he had felt it his duty to represent to the Government the position in which he, as law officer of the Crown, was placed. His hon. Friend (Sir B. Lytton) was wrong when he said the law was a dead letter. The law, if enforced, was strong enough; but what would be the outcry if the officers of the Government, called upon to enforce the law impartially, should enforce it against newspapers which had been encouraged by successive Governments, the proprietors of which newspapers had been led to believe that they might safely invest their capital so long as they confined their publication to the exposition of subjects which were not connected with news in the ordinary acceptation of the term? What would be the outcry if these newspapers were called upon to contribute to this tax? So far, also, his hon. Friend (Sir B. Lytton) was right, that they would have to appeal to juries, and how strong would be the impression on the minds of the juries when they were reminded of the impunity and exemption which these publications had so long enjoyed, and they were told that this tax was that which stood in the way of diffusing political information among those classes among whom it was most desirable that political information should be diffused. It therefore became necessary to dispose of this question at the earliest possible period, and although nobody could admire more than he did the tone and temper in which the hon. Member for East Kent (Mr. Deedes) had brought forward his proposition, he (the Attorney General) could find in his observations no argument for delay. No doubt there would be a certain diminution in the revenue, although his Friend the Member for Hertfordshire (Sir B. Lytton) thought that the increase in the revenue of the Post Office would more than compensate for such deficiency; yet, assuming for the sake of argument that a deficiency would arise, they would know the extent of the loss. If they were not prepared to meet that loss, let them put an end to the question by voting against the second reading of the Bill; but, if his views so eloquently put forward by his hon. Friend who had just sat down would induce them to get rid of this tax, they would not surely let 200,000*l.* stand in the way. The subject, however, would come before them again and again. If they, on the one hand, told him that, as Attorney General, he was bound to enforce the law, that must be done, but that would create such an outcry in the country that the matter must again and again be brought under the consideration of Parliament. They knew the extent of the loss, and they had two Chancellors of the Exchequer who had come forward and said that, although the country was at war, yet they thought that the finances were in a position to bear the loss. It therefore became a question whether, independent of financial considerations, they should put an end to this tax. There were some who thought the tax should be maintained to keep up the present high character of the press in this country. He did not think there was any soundness in that argument. He believed, on the contrary, that they would be doing a great public benefit by getting rid of the tax. Were those who upheld the present system prepared to prove that the remission of this tax would not be beneficial to the interests of the press itself? He thought those who advocated the proposition possessed a great advantage over the opposers, for they said, "This is a tax which prevents the diffusson of political information; it is stated it can be given up with safety to the finances of the country, therefore it ought to be got rid of, unless there are great commensurate evils, which, on the other hand, weigh against the benefits that would result from the remission of this tax, which stops the progress of knowledge." No one would be bold enough to say that it was desirable to keep the great mass of the people in ignorance. If there were any who were bold enough to avow that opinion, he trusted the House would receive such an avowal in a proper spirit. It was said that the abolition of the tax would diminish the character and influence of the present press, and would deteriorate the moral condition of the people, and that it would open a great door to slander. Now, in the first place, was it to be apprehended that they would so impair and deteriorate the character of the existing press that any amount of appreciable evil would result? The argument was, that the more they cheapened periodical publications the more the middle and lower classes would have recourse to the cheaper publications and abandon the dear ones, and the consequence would be that they would diminish thereby the means whereby the dearer publications obtained the information which they communicated, and commanded the eminent skill and ability which they employed. If he believed that the effect of this measure would be to lower the character of the press in this country, he should start with apprehension, but he had not heard one single argument which would cause him to believe it for a moment. Would any man believe that so long as they gave the same facilities for transmission through the Post Office, that *The Times*, or any of the great leading journals, would lose one single reader? No; the fact was, that the cheaper class of publications would call into existence a totally different class of readers, which would adapt themselves to the capacity, pecuniary and intellectual, of the poorer classes, among whom the dearer publications did not go. No one would believe that a paper published at twopence or threepence could compete in information or ability with a paper that was published at a higher price; and the man who could afford to pay for the dearer commodity would continue to purchase it, and the dearer commodity would maintain its relative value. They would make other commodities cheaper, but the rich man always bought the best article; it was in the nature of things; but was that any reason why they should deny to the poorer man the article which alone he could procure? What right had they, in justice and in principle, to keep up the higher price of the commodity in which the rich man rejoices, and to prevent the poor man, who could not procure that commodity, from getting one adapted to his own means? Then it was said, and this was deserving of their most serious consideration, that they would not only deteriorate the efficiency of the existing press, but that they would produce a class of papers which would disseminate irreligious opinions, and slanderous and immoral articles. He did not believe it. He did not conceive such bad taste existed that publishers would find it to their interest to circulate such publications; but, if they did, the law was strong enough to control them, and it must be remembered that the proposition for doing away with the safeguards of securities and registration formed no integral part of the measure, and could be dispensed with. Why, the hon. Member for East Kent had stated how the improvement of the public press had gone on. But since when had this improvement taken place? Why, since the duty had been reduced from 4*d*. to 1*d*. The real truth was, that these were imaginary apprehensions, which sprung up in the minds of men naturally enough when they proposed to deal with existing things. It always had been so, and always would be so. When it was proposed to expose manufacturers to competition by admitting foreign productions, they were told that the British manufacturers would be annihilated. What was the result? That they prospered more than they had ever done. When it was proposed to do away with protection to agriculture, they were told that the agricultural interest, and all the interests that were inseparably bound up with it, would all perish together; but what had been the result? Let hon. Gentlemen opposite say. Again, they were told that if they abolished the navigation laws they would annihilate British shipping, and what had been the result? Let British shipowners say. He therefore did not believe that the great papers would suffer, or that the press would teem with blasphemous or libellous publications. Why, they were told by his hon. Friend the Member for Hertfordshire that the taste for libel and for slander was not in the poorer but the richer classes. The poorer classes wanted information which applied itself immediately to the circumstances in which they were placed, but the rich and the idle wanted the peppered spice, the condiment of intellectual depravity. The feeling of society was such, that whenever a libel on personal and private character arose there was no difficulty in inducing juries to convict and to give exemplary damages. The *Satirist* was annihilated by the repeated verdicts for damages that were obtained against it by individuals whose characters were traduced by libels. Such was the feeling of society that he undertook to say if such a paper was produced now it would not exist a month. Then, again, he said that this great question was ripe for solution, and he trusted the House would not adopt the view of the hon. Member for East Kent. An observation had been made on the subject of copyright. The law of copyright was strong now. He did not believe that the great newspapers of the day would be exposed to any more depreciation from their cheaper brethren than they were at the present moment. They were exposed now to depreciation on the part of the evening papers, and on the part of the weekly papers, but yet they did not find, practically, that the great journals had anything to complain of in this respect. Any information that came a day after, or a week after, or which it was necessary to condense or transform, could do no harm, and would not prejudice the paper it was taken from. It was true he had heard it said that if the tax were taken off it was possible some papers might be started to steal from the morning papers the reports of the debates and all the leading events of the day. He believed that if such a publication were likely to answer, the difference of a penny in the price of a paper would not prevent those who would engage in such an act from doing it now. But he was perfectly sure that if such an atrocious attempt at fraud and robbery were to be made by any person, or body of persons, on an action being brought the indignation of the jury at such an outrage would be so great, that they would give such damages as would at once put a stop to such a robbery. But if the law of copyright was not sufficient under the ordinary state of things to protect the great journals, it would be the duty, and he was sure it would be the inclination, of Parliament at once to make a law to render copyright more secure. He was sorry to have detained the House so long, but he was anxious to show the great difficulties which those who have to administer the law were placed in. He implored the House not, for the sake of getting rid of a momentary difficulty, to trifle with this question, but at once to come to a decision. It was perfectly monstrous that the law should continue in its present state. There were at the present moment, in addition to the newspapers to which he had called the attention of the House, others springing up by scores. The great interest excited in the public mind by the events of the war had called up newspapers devoted exclusively to that subject. They were assuredly class publications; but he had no hesitation in saying they were, in point of fact, political newspapers in every sense of the term, and against which he thought the law ought to be enforced. But they were in this difficulty, that at the very moment these newspapers were started the Government had determined to bring the matter before Parliament; and it would have been acting with extreme rigour if they had proceeded against these parties under such circumstances. The matter had stood over; but, on the other hand, it did not stand over with regard to other newspapers which did not pay the tax. They remonstrated and complained, and, he thought, with justice. It was right that that state of things should be done away with. The law must be enforced equally and uniformly; but then it was most difficult to enter on a career of prosecutions which would assume almost the character of persecutions when Parliament had in its hands the decision of this question. He would, therefore, most earnestly impress on the House that it ought not to delay a single moment in dealing with this question, which he considered was now ripe for solution.

SIR FRANCIS BARING: Great, Sir, as is the pleasure with which I always listen to the hon. Baronet opposite (Sir B. Lytton) and to the hon. and learned Attorney General, and I certainly have never more admired their talent and the way in which they dwell upon a question than on the present occasion, but I am bound to say that I think neither of them has to-night at all met the objections which have been stated by the hon. Member for East Kent (Mr. Deedes). He stated that the Chancellor of the Exchequer was, by his own explanation, about to propose an arrangement by which there would be a loss to the revenue of 200,000*l.*, and that it would be his duty, if the Bill passed, to bring forward some tax to supply that deficiency in the revenue. The hon. Member for East Kent, therefore, reasonably enough, asks that you will not consider the question without reference to the alternative, and that, if some new tax is to be placed upon the country, it shall be open to the House to decide whether they will submit to the present evil in preference to that of the new tax which is to be substituted for it. If the country is so agitated upon this point as it is stated to be, and if there is that unanimous feeling of the inconvenience of the tax which is said to exist, I am surprised that hon. Gentlemen seem so anxious to get rid of the duty before we have the equivalent before us. I confess that that great anxiety upon their part creates a doubt in my mind whether they are satisfied that the country will receive the equivalent with quite so much pleasure as they seem to anticipate. Upon a former occasion, I stated that the course pursued with regard to the present Bill was unusual and irregular, not merely in point of form but in point of principle. It is the usual course, upon a question of the reduction of taxation, for the Chancellor of the Exchequer to tell you that you should take a full and comprehensive view of your finances, and that before you proceed to apply any surplus, even which you may appear to have to dispose of, you should have the whole plan before you and know what you have got to spend. We only ask upon the present occasion that you should not go out of the usual course, and that the Chancellor of the Exchequer should do what his predecessors have invariably done, with one exception, an exception which I think should be a beacon for us to avoid rather than an example to follow—I allude to the reduction in the rates of postage. We reduced the postage duty under circumstances of great political difficulty, and I cannot help thinking that at that time it was a most unfortunate proceeding. But what have I heard to-day? I have heard denied to-day what was stated on that occasion. We were then told that it was a great moral question, and that we ought not to consider it as one of mere pounds, shillings, and pence. We were told that it was for the benefit of a large class of society, and the then Chancellor of the Exchequer was assured that we should lose nothing in point of revenue. I don't underrate the value of that measure; but if you place your finances, from time to time, under these pressures and struggles, and especially at periods when you have large demands upon you, the result may be a great inconvenience. I am not contending that a reduction of 200,000*l.* in your receipts must necessarily lead to any great financial difficulties; but if you once admit this sort of argument and reasoning to justify the course now proposed to be followed, you may, in a matter comparatively trifling, be breaking through a rule essential to the protection of your revenue, the result of which may be, that year after year hon. Gentlemen will bring forward measures for the reduction of taxation, on the plea that this is a great nation, that the reduction proposed is a very small matter, and that the Chancellor of the Exchequer would have no difficulty in finding means to make up the deficiency that may be created. But this difficulty would always have to be encountered, and on the present occasion I see not in what way it can be met. I can only make a conjecture as to what course the Chancellor of the Exchequer will have to pursue. If he is really and *boná fide* about to follow the principle laid down by his predecessor, and to raise for the services of the year by taxation a revenue for the year, I am afraid he will find that even 200,000*l.* is not a sum with which he can dispense—that he will want every sixpence—and that he is acting a rash part if he consents to sacrifice one farthing before he knows well what his position is. But there is another possibility. There is the possibility that you may have recourse to a loan. I am not going to enter into that question. It may be justifiable to leave to posterity a part of the expenditure of a war which you may on public grounds enter into. But if you relieve yourselves from taxes already existing, and, by means of a loan, make up the deficiency which that course of policy occasions, thereby leaving it to posterity not only to pay the expenses of your war, but also to pay for the taxation which you have repealed, I do not think anybody can doubt that that is not an honest or rightful course to pursue. I do not, therefore, consider the present proposition for reducing the amount of revenue is so light a matter as it has been assumed to be. It has been said by the hon. and learned Attorney General that great inconvenience must arise from the postponement of this measure till after the Easter vacation. But I venture to remind him that after all it is not so long before the Chancellor of the Exchequer will bring forward his budget. He will do so the first week after Easter, it now being a few days only before that period. The inconvenience and injustice which the hon. and learned Member suggests must result from that delay I believe he greatly exaggerates. The Chancellor of the Exchequer and the hon. Gentleman opposite (Sir B. Lytton) say that they are not surprised at the objections made by the press, or by the persons now engaged in conducting newspapers, to this measure; or that they should acquiesce so willingly in the tax now imposed upon them. But I must say, that when I come to look at the tax now imposed, and the mode in which it is raised, I do not think it a very extraordinary circumstance that those engaged in the newspaper trade should not raise any objection to it, or that they should not be unwilling that things should remain in their present state. Generally speaking, there have been no complaints in the trade that their interests have been neglected. When we look at the taxation of the country, we find that a large portion of the paper duty has been taken off, that the advertisement duty has been abolished, and that the stamp duty on newspapers itself has been reduced from 4*d.* to 1*d.*; therefore the course of the Legislature as regards the newspapers cannot greatly be complained of. Most generally persons connected with a trade affected by taxes are found to complain that the taxes are so heavy that they destroy the trade. Is that the case on the present occasion? Do you find the newspaper proprietors complaining that the tax imposed upon them is so heavy that their trade is interfered with by it? That is a complaint which cannot be made, and therefore cannot be urged by the Chancellor of the Exchequer as a reason for proposing the abolition of this tax. But there is one view of the question which has been carefully avoided by hon. Gentlemen, and that is that this penny stamp duty can hardly be called a tax. It is a compensation for a privilege enjoyed under a Post Office arrangement, and which privilege is paid for in the shape of a stamp. The Chancellor of the Exchequer considers that mode of conveyance of newspapers to be so great an advantage to all parties that he is still inclined to keep it up. Will the House, for a moment, reflect what is the payment made by these parties, and what are the privileges they obtain? The Chancellor of the Exchequer the other night stated that of the gross weight carried by the Inland Department of the Post Office, 76 per cent was composed of newspapers, and 9 per cent of mail bags, of which, of course, the newspapers had their share. I think, therefore, it may be near enough to the truth to say that 80 per cent of all the postal carriage of this country was newspapers, and those newspapers paying 1*d.* each. But this conveyance is not confined to inland communication. Take your Colonies. I asked, the other day, at the Post Office, what a newspaper cost going to Australia, and the answer was that it was free of all postage. It is stated by the present Resolutions that they should be allowed to go to the Colonies for 2*d.* Now, when we come to consider that this stamp has the power of circulating and recirculating a newspaper throughout the country for 1*d.*, and for a small additional sum throughout the Colonies, my own impression is that the charge is by no means an unfair equivalent for the postage. You pay for the conveyance of mails (and in this statement I throw out of consideration all the costs of the establishment of porters, sorters, and letter carriers); but you pay for the conveyance of letters in this country 693,000*l.*, and for the packet service 792,000*l.*, being about 1,500,000*l.* for mere conveyance. When we come to consider that the newspapers pay a sum of 400,000*l.* in stamps, I must say, remembering that upwards of 80 per cent of the weight carried consist of newspapers, that it is by no means a bad bargain for them, and the newspapers receive more than a full equivalent for the stamp duty which they pay. If you take the whole expense of your Post Office and packet service it amounts to 2,430,000*l.* The sum you receive is 1,208,000*l.*, so that about half the expense is a loss; and the sum paid by the newspapers towards the 1,208,000*l.* is not 500,000*l.* When hon. Gentlemen talk to me of taxing thought, and of taxing conveyance of information, my answer is, that the Post Office is open for the conveyance of information both at home and abroad at a cheap rate; and that we give you a great deal more in the shape of conveyance than you give in the shape of a tax. The hon. and learned Attorney General has made out a very grave case about the difficulties of the present state of the law on this subject. He has stated that there are only two courses to be taken on this question; either to prosecute parties according to the present law, or to repeal the stamp duty. It is very odd, but this is the first time in my life that I have heard that there was not a third course. I must say, without presuming to possess the ingenuity of the hon. and learned Gentleman, I should have thought that there was a third course, which was not to leave the law in its present state, as a net spread to catch every publication which it was possible to bring within its meshes, but to cause some better definition of what is and what is not a newspaper. The law was very strict. It was liberally construed. It was from that relaxation probably that most of the difficulties had arisen. I could hardly venture to give an opinion if the hon. and learned Gentleman had told me he had considered it, but if it has not crossed his mind I think I may suggest he might, like the Chancellor of the Exchequer, have consulted *Punch*, or any common-sense newspaper editor, and they would have helped him as to what, in the present state of public opinion, and of the law, might be considered as a newspaper. The hon. and learned Gentleman has argued this matter as if this were really a settlement of the question, and undoubtedly, if that were so, something might be said in favour of this Bill. But is it a settlement of the question, I ask? I find two clauses which still give newspapers certain privileges. Now, if my hon. and learned Friend is unable to say what is a newspaper, will he tell me how to construe those clauses? It is quite true the power is given to the Postmaster General to allow all newspapers to be transmitted to the Colonies. But if the Postmaster General comes and asks the hon. and learned Gentleman what is a newspaper, to be consistent he must say, the definition of a newspaper is of such a nature that he cannot act upon it, and consequently the same question again arises under those clauses. But that is not all. Two of the most eloquent supporters of the Bill, the right hon. Gentleman the late Chancellor of the Exchequer and the right hon. Gentleman (Mr. M. Gibson) who is the leader of this movement, both tell us it will be unsatisfactory to them unless there is some law of copyright. I must say, then, if the matter is to be settled, the Attorney General ought to tell us either that it is impossible to settle the question of copyright, or that, accompanying the Bill there is some arrangement with regard to copyright. I am not inclined to enter into the subject of the moral effect of the law. I hope, if the Bill passes, it may produce all the good which is anticipated from it. We must remember, however, this—that we have the result of the entire freedom of newspapers in a country not very dissimilar to our own, and I observed that the right hon. Gentleman opposite, when he came to speak of the press of America, was extremely careful not to give his opinion as to the state of the American press. The right hon. Gentleman did not say one word about the blessings of the untaxed press of America. Probably, as an Englishman, it is unfair for me to give an opinion on that matter; but, while we have heard in this House the press of America stated to be a great blessing, we have heard it stated by Americans that they considered it anything but a blessing to that country. I therefore think, upon every ground, there is no such strong and pressing necessity as would make this a tax which we ought first to abolish. If there were a great surplus of revenue it might then be considered. But, whether there is a surplus revenue or not, I still contend for the principle that you ought not to take off taxation unless at the same time you can show the means by which to make up the deficiency you create, and if the Motion comes to a division, I shall certainly vote for the Amendment.

MR. PACKE said, he did not despair of obtaining the vote of the hon. and learned Attorney General for the postponement of the Bill, because towards the close of his speech the hon. and learned Gentleman said, unless some great financial difficulty were in the way, he recommended the House to pass the second reading. He thought, after the speech of the right hon. Gentleman (Sir F. Baring) who had filled the office of Chancellor of the Exchequer, there had been reasons given against surrendering 200,000*l.* until they knew from the Chancellor of the Exchequer the financial state of the country. The whole question before the House had been completely lost sight of in what fell from his hon. Friend the Member for Hertfordshire (Sir B. Lytton) and the hon. and learned Gentleman the Attorney General. The proposition of the hon. Member for East Kent (Mr. Deedes) was simply to postpone the measure for a certain time, that they might see whether they could part with the money which the Chancellor of the Exchequer anticipated he would lose. No one listened with more thorough admiration than he did to the eloquent speeches of the hon. Member for Hertfordshire; but the House was led away by the proposition of his hon. Friend, that the dissemination of intelligence ought to be free from taxation. That might be true or false, but the Bill before the House did not profess to abolish taxes on newspapers. It only rendered newspapers free of taxes to a certain portion of the population, and he believed the English farmer would, almost without exception, be deprived of the privilege accorded to the rest of the community. In the towns through which a railway passed the readers would receive their newspapers tax free, but he contended that the great mass of the population did not congregate in towns, and that persons in the country would still have to pay the tax, from which the inhabitants of towns would be exempt. The operation of the Bill, therefore, would be extremely partial, and consequently he did not agree in the argument, however eloquently expressed by the hon. Baronet the Member for Hertfordshire and the Attorney General, that it was a measure which would relieve political intelligence from taxation. They were not arguing whether the Bill should be read a second time or not, but whether it should be postponed until after the financial statement, and he thought that proposition so reasonable that he felt some astonishment that the Government did not accede to it.

MR. MIALL said, as one of the very few Members of that House who were connected with the press, he would venture to entreat their indulgence for a few moments while he made one or two observations on the Bill then under discussion. Upon former occasions when the question had been brought forward he had contented himself by giving a silent vote, and he should not have troubled the House then but for the course taken by a considerable and influential portion of the newspaper quent speech, their idol was a ghost which they would not like to have looked at. It was his firm opinion that the press, in its present state, instead of being the greatest glory and advantage to the country, was one of our greatest curses. These speeches, these panegyrics of a free press, would have been very valiant in the days of the Tudors, or even of the Stuarts, but everybody knew that the majority of them were base adulation of a power which the speakers were afraid of and dare not resist; and the writers in the press, who were the best judges themselves, boasted and said plainly that they were the true directors of the policy of the country, and that the Gentlemen who condescended to sit on the Ministerial bench and receive salaries had only been recorders of the decisions of the press. Well, the press ought to know their own business best, and for that reason he believed *The Times*, and three or four other newspapers of that kind, when they said that this Bill was a personal attack upon them, and that the standard of the press, such as it was, if this measure was allowed to pass, would be materially lowered. Now, he must confess that he was of that opinion too. People talked of this press as being the means by which the country was instructed. No wonder, then, the country was so ill-instructed. Then it was said that it was from the press we should study history, and he had been told not long ago by hon. Members sitting above him that it was more worth while to read a page of *The Times* than to read the whole of *Thucydides*. The truth of the matter was, that this was all cant and nonsense; the press was a mercantile speculation, and nothing else. He wanted to know why it should not be so. He wanted to know why Messrs. Walter and their families should not set up a manufactory of gossip just as well as the hon. Gentleman near him should set up a manufactory of calico? You must suit your manufactures in different countries according to the tastes of the public. In Rome, for instance, people occupied themselves in manufacturing antiquities. Well, nobody cared much for antiquities in this country. In Munich, again, they used to carry on a great manufacture of old medals. That would not do here, either, though, if somebody were to set up a manufactory of old china, that might turn out a good speculation just now. Upon the whole, however, the taste of the English people was for gossip—political gossip—and political gossip of one sort or another they must have, cost what it might. *The Times* seemed to him to carry on their business in this way better than any other people, and that was the reason, perhaps, why they were now attacked. It was not a very long time ago since this newspaper was set up. The first person belonging to it, whom he remembered, was a Mr. Tucker, and then after that came a great number of very clever men, because, of course, the Walter family could not carry on the whole thing themselves, and there was always a man of that accommodating class—a seven years' barrister, or some one of that stamp, who was ready to take up anything. These people, these barristers, reminded him a good deal of what they called on board a ship a "handy Billy"—a tackle that came in upon all occasions whenever it was wanted. There were since then Barnes, Alsager, Stirling, Delane, Morris, Lowe, Dasent, and others. Well, why should they not write? But why was it that when you heard these Gentlemen speak (and there was one of them in that House whom he was always delighted to hear), they then never frightened or alarmed you, but on the contrary, you were always excessively amused and instructed, whereas, when they used that dreadful "We" everybody was terrified, and looked upon them as most awful men. The press, in fact, frightened us with its editorial "We." Observe the art of this. These Gentlemen were all of different opinions. Now, the foolish papers who did not understand the matter, like *The Morning Chronicle*, for instance, took up with some particular party. One was a Peelite; another something else. When the Peelite party was thriving, the paper throve too, but when the Peelites went down, down went the paper. It was quite clear these were not men of business. The thing was to get a set of Gentlemen of different opinions, and to set them writing. Of course you could accuse no one man of inconsistency; he might always have held the same opinions; and so, individually, these writers were most consistent, while, collectively, nothing in the world could be more inconsistent. It seemed to him that the very perfection of journalism was—individual honesty and collective profligacy, political and literary. There was, nevertheless, a great advantage in this, and *The Times* newspaper always put him very much in mind of a bit of bog he had near a farm of his. He once thought of draining it, and asked the opinion of the farmer, who replied, "No, no! don't drain it. In wet weather there's something for the cow, and if there's nothing for the cow, there's something for the pig, and if there's nothing for the pig, there's something for the goose." So it was with *The Times*, if there was nothing in it for one man, there was sure to be something for another. There was, however, one very great evil, which he did think the House ought to have the manliness to contend with, and that was the present lawless system of libelling. This was carried to a most outrageous extent, and, so far from thinking the press better than it was, he believed, as far as his experience went, it was much worse. He never had any acquaintance that he knew of with the editor of a newspaper, but he was once obliged to go to the late Mr. Perry, who had it in his power utterly to ruin a friend of his. Mr. Perry had a letter in his hand which he was to have published the next day, and the publication of which would have been most detrimental to his friend, but, upon requesting him not to make it known, Mr. Perry in the most liberal and gentlemanly way, promised not to publish a single word of it. He (Mr. Drummond) therefore always had pleasure in bearing testimony to the kindness of Mr. Perry, and to his behaviour upon that occasion. But instances of the libelling to which he referred were without end; they were of daily occurrence, although people did not get to know all the cases. For example, his hon. Friend the Member for Launceston (Mr. Percy) brought forward the other day a most gross and most circumstantial libel upon a Dr. Meyer, who was described as a worthless, ignorant German, who knew nothing at all, and who was merely put into office because he flattered Prince Albert. This turned out to be a gross lie from beginning to end. Dr. Meyer was an Englishman, had received a good English education, and had never seen Prince Albert in his life. A circumstance happened with regard to a relation of his own the other day. In the course of his evidence before the Sebastopol Committee of the House of Commons, Lord Lucan said that the Commissariat sent out a parcel of ignorant boys, and on being pressed to give the names, he mentioned the name of Mr. Murray, the son of the Bishop of Rochester. At the end of his evidence he spoke of this same young man, and said how well he behaved and how well he had fulfilled his duties. Well, the first part of this evidence was inserted next day, but the second never was, and when he (Mr. Drummond) sent by Mr. Macdonald, a message to *The Times*, saying how unfair it was, they never made a single word of explanation, nor did they make any contradiction until Lord Lucan himself wrote to the newspapers to do so. A letter in his possession spoke of the admirable manner in which this young man had behaved, how, in some cases, he had personally distributed the provisions in order that the men might not be kept waiting; and, when remonstrated with for undertaking so degrading an office, he replied, that the only way to receive or to impart instruction in the duties of his office was first to perform them himself, and that he was not afraid of degrading himself by showing how the subordinate duties of the office ought to be discharged. The same thing happened with regard to Lord Balgonie, against whom some aspersion was directed, and the remark was revived that our soldiers were fighting under the cold shade of the aristocracy, whereas his general said he was one of the best officers he ever had. Then there was the case of a friend of his, whose trial he attended last year. *The Times* attacked him most shamefully for a long time, and upon the trial his justification came out, but while they published the whole of the first day's proceedings, which aggravated his offence, they never published his justification. These cases were occurring every day. The newspapers were accused of being bribed, but that seemed to him one of the most absurd charges that ever was made. Why did they set up shops except to sell their goods? Of course they took that which happened to be the popular side of the day. They did not want to guide public opinion, they wanted to follow it; and whatever the cry of the day was they repeated it. They did this on the trial of Queen Caroline. *The Times* first advocated one side, and then finding that the mob, who were not inclined to argue the merits of the case, took the woman's side, round went *The Times* and took the woman's side also. Well, there was no harm in that. The only harm in it was that people were apt to fancy that this paper was the guide and teacher of the public. At the same time they hated it, and they hated it the more because it was the very best of its kind. As to the bribery of newspapers there was positive proof respecting *The Times* of which

Napoleon said, "You have sent me *The Times*—that infamous *Times*, the journal of the Bourbons"—and it was stated in a work by Mr. O'Meara that 6,000f. had been paid for the supply of 100 copies a month. He had found the receipt for the money, signed by the editor. Mr. O'Meara also stated that several offers had been received from the editors of newspapers, and among others from *The Times*, to write for Napoleon before he went to Elba. Napoleon declined to accept the offers made to him, but afterwards regretted the course he took, observing that he would not have been so hated by the English people had he accepted the offers made to him, for in England the newspapers forced public opinion. The real evil of these newspapers was their insolence of language. They used language which they would never think of using if it did not suit their purpose—if they did not find Ministers tremble before them—and if they did not find Ministers not ruling the country, and governing the country, but suffering themselves to be 'driven into war by the language of *The Times*. *The Times* the other day remarked, in reference to a remark of the hon. Member for Manchester (Mr. Bright)—

> "If he means to intimate that notwithstanding injustice we are successful, he is certainly right. We are so, and as long as we discharge the duties which the empire and the world expect at our hands, we trust to continue so."

That was all very good; but then came another passage in which *The Times* offered an opinion upon the present state of affairs in the Crimea—

> "The position of the allied army is precisely one of which a bold and original military genius might take advantage to retrieve the fortunes of the campaign."

Such an opinion would scarcely be given by any number of lawyers in Lincoln's Inn; but, nevertheless, it was volunteered by the lawyers of Printing House Square. The whole thing was absurd. In short *The Times* said, with the old sign of the public house on the road to Acton—

> "We are the old magpie on the right,
> The other has set up in spite."

We may chatter black one day and white another; we have the only right to chatter, and we are the only teachers of the world and the empire.

MR. DUFFY said, he felt it his duty, as an Irish journalist, to explain why he was prepared to support the measure now before the House. Since he had held a seat in Parliament he had never missed an opportunity of voting in favour of the removal of all taxes upon knowledge, and he felt that in supporting the propositions of the Chancellor of the Exchequer, he was supporting a measure that would confer a great benefit upon the country. In Ireland the masses of the people, having the political power to send Members to that House, never saw a newspaper at all under the present system, and it appeared to him to be a very bad arrangement that political power should exist without political knowledge to counterbalance it. He was not indifferent to the effect which the proposed change might have on existing newspapers; but his opinion was, that the best of those journals were not what the right hon. Member for Portsmouth (Sir F. Baring) had called them; and still less what the hon. Member for West Surrey (Mr. Drummond) had described them—mere mercantile speculations, the best of the existing journals not merely had newspapers to sell, but had opinions to promulgate, and though the hon. Gentleman seemed to think that the whole of the existing newspapers, and especially the more marked and capable among them, were of necessity to be bought and sold, he might tell the hon. Gentleman that a journalist had duties which were not less responsible than those of any Member of that House, and was quite as careful how he discharged them. The right hon. Gentleman the Chancellor of the Exchequer estimated the loss to the revenue of removing the newspaper stamp at about 250,000*l.*, but it must be remembered that that quarter of a million was now in a great measure taken from parties who got no return for the money, the stamp being charged in many cases for the postage of a newspaper, which never went through the post at all. One objection to the Bill was, that it proposed no securities against libel, and he thought that objection ought to be removed, as, without some protection, libellers were likely to swarm. It was also urged that the effect of the measure in cheapening the price of newspapers would lower the character of the press of this country. That objection, however, could be met by referring to the case of other countries where papers were published at a low price, and contained a carefully selected epitome of news, without pandering in the least to low tastes. With regard to the objection, that the Bill would create a class of publications which would be addressed only to the lower orders, he confessed that that was one great reason why he gave the propositions of the right hon. Gentleman his support. He was most anxious so see the lower classes of society more particularly addressed than they were under the present system. The last reason given by some journalists for the maintenance of the present law was, that under the new system journals would spring up which would come into collision with the authorities, but he could not see the force of the objection, for if such a collision should occur, the new journals could fight it out with the Government, and the old ones would not suffer. In conclusion, he would entreat the House not to adjourn the question, as it would be very inconvenient to a large number of persons to leave it in its present unsettled state.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I do not accuse my hon. Friend the Member for East Kent of any intention to make a factious Motion, or of being influenced by motives of party opposition, or of endeavouring by means of the Amendment which he has submitted to the House to achieve a party or political triumph, nor should I have had any difficulty in acceding to it if I could have brought myself to look upon this question as exclusively, or even principally, a financial question. When I introduced the measure I was under the impression that I was giving effect to the declared and recorded opinion of the House in the Session of 1854. Let me call the attention of the House to the words of that Resolution—

> "That it is the opinion of this House that the Laws in reference to the Periodical Press and Newspaper Stamp are ill defined, and unequally enforced; and it appears to this House that the subject demands the early consideration of Parliament."

Now, it is important to observe the time when this Resolution was agreed to. My right hon. Friend the Member for the University of Oxford (Mr. Gladstone) made his second financial statement, proposing an addition of 10,000,000*l.* of taxation for the expenditure of the war on the 8th of May last, and on the 16th of May my right hon. Friend the Member for Manchester (Mr. M. Gibson) moved and carried this Resolution. The House, therefore, passed the Resolution with a full knowledge that a great war expenditure was to be met by increased taxation, and passed it within a few days after the statement to that effect had been made, with the impression of the fact fresh upon their minds. If, therefore, the financial objection had pressed upon the House last Session as strongly as it now seems to weigh with hon. Members opposite, it is clear that the Resolution could not then have been carried. But an attempt has been made upon the opposite side to throw doubt on the meaning of the Resolution. Abstract Resolutions upon questions of finance are open to objection, and I regret that my right hon. Friend did not move some specific plan in a Committee of Ways and Means instead of leaving us to dispute as to the precise meaning he intended to convey; but it appears to me that no reasonable doubt can exist as to the meaning of this resolution. As in the case of an oath which is construed *secundum animum imponentis,* so a Motion must be construed according to the intent and meaning of the person who makes it. My right hon. Friend was Chairman of the Committee which reported that news was not a proper object for taxation, and in introducing his Motion he fully stated his views to the House, which were inimical to the continuance of the newspaper stamp. After hearing his opinions and his arguments the House assented to his Motion. Can there be any doubt that when that Motion was carried it was understood to imply a relaxation of the law? Can any one doubt that it was a virtual condemnation and repeal, as far as a Resolution could repeal it, of the newspaper stamp? The Resolution, by its very terms, implies that the law was to be altered. Will any one in this House have the hardihood to maintain that it could mean that the law should be rendered more stringent and severe? If, then, the law was to be altered, and it was not to be rendered more stringent or severe, what meaning could the resolution have but that the law should be relaxed? and how could it be relaxed in any other manner than by rendering the stamp not compulsory but optional? For the reasons I have stated I believed that in introducing this measure I was giving effect to the distinct and declared opinion of the House in its last Session. If it should please the House to recede from their determination—if they should now change their opinion and depart from that Resolution—let them, by distinctly rejecting the Bill, not by acceding to the dilatory Motion proposed by the hon. Gentleman (Mr. Deedes), but by voting for a Motion that it be read a second time in six months, simply rescind the Resolution, and so place the Government in a clear and intelligible position with respect to the administration of the law. If you reject the second reading of the Bill, in what position will the Government stand with respect to those publications, the nature of which has been so fully and ably explained by my hon. and learned Friend the Attorney General? Do you propose to legalise class publications? Will anybody undertake to define the precise difference between class newspapers and other newspapers? It has been found difficult enough to define a newspaper in its extended sense, and will any one lay down such a definition as would satisfy Judges and jurymen? Will any one with metaphysical minuteness draw a line for practical purposes between class and other newspapers? If that task is to be imposed upon the Government, I trust that some Gentleman who has supported the Amendment will give us the benefit of his valuable advice as to the proper definition to be laid down. Is the Attorney General to prosecute some 150 newspapers which have hitherto received the indulgence of the Government, which have grown up under a permission not sanctioned by the letter of the law, but which has induced proprietors to embark their capital in extensive literary and commercial enterprises? They have formed large connections with classes of customers and of readers through the long-continued toleration of the Government, known to the public, known to this House, and not censured or objected to by the House; and are they suddenly to find themselves the objects, or, as it might be said with truth, the victims, of *ex officio* prosecutions, and to be at once deprived of the privilege they have so long enjoyed? If that is the course to which the Government is to be driven, I trust the House will distinctly signify its opinion by the rejection of the Bill, and not by the adoption of the Amendment of the hon. Member for East Kent. I will not attempt to travel over the general topics which have been so ably illustrated and almost exhausted in the eloquent, and not more eloquent than argumentative, speech of the hon. Baronet the Member for Hertfordshire (Sir B. Lytton). It would be arrogance in me to enter into the various topics to which he referred, and I will only advert to one of the points he so copiously illustrated; I mean that of the great alarm which appears to have seized both the metropolitan and the provincial press from the proposed abolition of the stamp duty. The metropolitan press appears to think that when the penny stamp is removed it will be ruined by the provincial press; the provincial press, on the other hand, believes that it will be ruined by the London press; and both the London and provincial press believe they will be ruined by some possible press which has not yet been called into existence. Now, I confess that I cannot but regard all such fears as fears inspired by imagination rather than by reason and by examination into futurity founded upon facts and experience. Let us only consider what has been the effect of reducing the stamp duty from 4*d.* to 1*d.* Surely that reduction must have affected the interests of the great newspapers more than the removal of the last penny can affect them; and yet we know by experience that the newspapers with a large circulation, both in the metropolis and in the provinces, rather derived benefit than suffered injury from that reduction of the stamp duty. They are in possession of the market, they have the command of capital, they have an established connection, they are known to the public as the chief channels for advertisements, and they must unquestionably enter the new field of competition which will be opened to them with much greater advantages than any new competitors can possess. It will doubtless be expected that I should say something with respect to the financial aspect of this question, which has received so much attention during the debate. I am not about to deny that the estimated loss of 200,000*l.* a year is a material circumstance for the consideration of this House. Nevertheless, in the construction of the financial plan which it will be my duty to submit to the House immediately after the Easter recess, allowance will be made for the loss of revenue that will be thus occasioned, and Her Majesty's Government will, upon their responsibility, propose such a scheme of finance as will provide amply for the expenditure of the year, including the loss which may be occasioned by the repeal of the newspaper stamp duties. Whatever risk may exist of such a sacrifice of revenue, the Government, with the full knowledge that that reduction is to be provided for, upon their responsibility, have proposed this measure to the House. The sum of 200,000*l.*, which I have mentioned, is the estimate made by the Post-office authorities, not assuredly upon very certain *data*, but upon the best which the subject admits of obtaining. That estimate does not include any allowance for an increase in the paper duty. The paper duty now produces about 1,000,000*l.* a year, and certainly, if the anticipations of which we hear, that the country will be inundated with new newspapers, should receive a verification to any perceptible degree, we may calculate upon some considerable increase of the paper duty. I do not myself venture to give any estimate of the increase of the paper duty. I merely state that the estimate of the loss of 200,000*l.*, which I laid before the House, does not include any allowance for the increase in the paper duty. There is another point which has been adverted to by more than one hon. Member as affording the means, in some respect, of supplying the loss occasioned by the abolition of the compulsory stamp—I mean a cheap book post—a charge of postage for printed publications, not being periodical publications, not coming within the terms of the Bill now upon the table, but which would at present be subjected to the letter rates of postage. Having conferred with the Postmaster General on this portion of the subject, I can state that, in case this Bill should receive the sanction of Parliament, Her Majesty's Government will be prepared, by a Treasury Warrant, to introduce a book postage at lower rates than the scale now existing. The lowest rate of the present book postage is 6*d.* for one pound weight. That rate of postage was established by a Treasury warrant. It is proposed to amend that Treasury warrant, so that it may include a lower scale of rates; facilities will thus be given for the transport of books and printed matter at a cheap rate, and it is anticipated that this change may lead to some considerable augmentation of the Post Office revenue. This is an arrangement which can be carried into effect by the warrant of the Lords of the Treasury, for, as it involves a mere variation of the existing rates of book postage, it does not require the sanction of an Act of Parliament. Having thus explained the financial portion of the question, I shall leave this Bill in the hands of the House, only pressing upon them this consideration, that it is most important, not upon financial grounds, but with reference to the recorded Resolution of this House, for the purpose of maintaining the consistency of the House and of its proceedings, and also for the purpose of putting an end to a most anomalous and unconstitutional state of the law, and to perpetual scandals which consequently arise, that the House should pronounce a clear opinion upon this Bill; that they should either read it a second time this evening or reject it; and that they should not accede to the unmeaning, the useless, and the dilatory Motion of my hon. Friend the Member for East Kent.

Mr. DISRAELI: Sir, the right hon. Gentleman the Chancellor of the Exchequer has founded the course he recommends the House to pursue upon a principle which in practice he would find it very difficult to maintain. I understand from him, that he founds it not so much upon those great principles of policy which have been so eloquently advocated by the hon. Member for Hertfordshire, (Sir B. Lytton) and with great ability by other members of the House, as upon the principle that the recorded opinion of the House upon this subject is, in the mind of the right hon. Gentleman, a fact of such gravity and importance that it is impossible for him, as Chancellor of the Exchequer, to resist an intimation so precise and definite. Now, Sir, how can this principle be maintained in practice? Has it always been—I may almost say has it ever been—the principle adopted by Chancellors of the Exchequer, that they should, as a matter of course, assume a vote of this House, with respect to a particular tax, as an indication which cannot be mistaken, and as a sanction of a course which cannot be relinquished by the Government; and that the policy or expediency of repealing a tax, and the proper time for taking such a step—the question before us to-night—are to be omitted from all future discussion? Now, what is the fact? Why, in 1853, only two Sessions ago, the subject of what are called Taxes on Knowledge was before this House, and a Resolution for the abolition of the advertisement duty was carried by a large majority; but the Government did not on that occasion express their opinion that that vote was final on the question, nor did the Government think proper to act upon that vote. Have we not had the malt-tax repealed by a vote of the House of Commons before this, and were we then told by the Minister that, as a matter of course, it was the duty of the

Government immediately to propose the repeal of that tax in consequence of the vote which this House had adopted? On the contrary, were we not reminded the other night by the right hon. Member for the University of Oxford (Mr. Gladstone) that a former colleague of his, the late Sir Robert Peel, had to his honour resisted the vote of the House of Commons upon that subject, and that he had successfully called upon the House to rescind it? Why, Sir, I remember a vote of this House for rescinding the sugar duties being carried against a powerful Government, but were the sugar duties abolished by the Minister of the day in consequence of that vote? No; on that occasion he called upon the House to rescind the Resolution at which it had arrived. But what happened in our very recent experience with respect to the vote of this House on the subject of attorneys' certificates. A vote for abolishing the duty was adopted by a large majority —a greater majority than has ever voted for the repeal of the taxes immediately under discussion to-night; but did the Chancellor of the Exchequer then come forward and say that, in consequence of the vote of the House of Commons, he felt it incumbent upon the Government to propose the repeal of the attorneys' certificate duty? Why, Sir, that duty is actually not repealed at this moment. You have had financial reform, you have had the revision of taxation, you have had the whole question of taxation considered in every possible light, and yet you have not got the duty on attorneys' certificates repealed although you had repeated votes on the subject and large majorities in favour of the motion. But, now, the Chancellor of the Exchequer, in vindication of himself, not for proposing the repeal of these taxes on introducing his financial statement to the House, but in vindication of his proposing the repeal of a tax before the House is favoured with his financial scheme, or knows what substitute he is going to recommend—lays it down as a proposition which cannot be controverted, and as a principle of action which the Government adopts, that the moment the House has consented by its vote to the repeal of a tax, it is the duty of the Chancellor of the Exchequer to act in conformity with that vote. I certainly connot agree with the Chancellor of the Exchequer upon that point, for I remember very well the arguments that were used by the right hon. Member for the University of Oxford with respect to the repeal of the attorneys' certificate duty. That right hon. Gentleman (Mr. Gladstone) then said, that it was the duty of the Chancellor of the Exchequer, not only to hear arguments in favour of the particular proposition then before the House, but also to hear arguments in favour of the repeal of any other taxes which the House might think ought to be abolished, in order that he might avail himself of the information he could obtain from such discussions in framing his financial scheme. The right hon. Gentleman argued against being called on to give any opinion on the part of the Government before the introduction of their financial scheme; and the right hon. Gentleman then said—

> "If it be acknowledged that it is the privilege of the House of Commons to propose the repeal of one tax after another by a majority, and so dictate to the Chancellor of the Exchequer what shall be the financial policy of which he is to be the organ in this House, what, I want to know, is the use of the Chancellor of the Exchequer?"

I say, then, if the Chancellor of the Exchequer's position to-night is founded on that principle, I shall have to say to him, "What is the use of the Chancellor of the Exchequer?" I shall feel it my duty, Sir, to support the hon. Member for East Kent in the proposition which he has made. It is not a proposition which at all enters into the general merits of the question. When we are favoured with the financial statement of the Chancellor of the Exchequer, if he feel himself justified in offering a proposition to the House with respect to newspaper stamps, I shall listen to that proposition without prejudice; but I think there is no proposition that can be made at this moment that recommends itself to the House by arguments of more unanswerable reason, than that at this moment, when we are, according to the statement of the Chancellor of the Exchequer, on the very verge and threshold of the budget, we should not be called on to repeal a tax when the right hon. Gentleman will not, and possibly cannot, tell us what is the compensation to be afforded to the revenue for the tax we are going to repeal, and what is the substitute which we are to be asked to impose. The right hon. Gentleman has, indeed, stated to the House to-night that the Government have a scheme in which they have perfect confidence that will make up for the loss the revenue will sustain in consequence of the repeal of the newspaper stamp duty. No doubt the Government have full confidence in their project; but has the House of Commons confidence in the project of the Government? It may be doubtful whether we shall have confidence in that project when we are asked to give it; but to ask us to have confidence in what the right hon. Gentleman does not condescend to communicate to us, is to exact somewhat too much from the trust of this House, and to take a somewhat more sanguine view of the existence of the Government than the right hon. Gentleman is warranted in doing. The right hon. Gentleman tells us that, if we postpone this proposition, the Government will be involved in difficulties, and he shrinks from attempting the task of defining what is news. Now, I agree with the right hon. Gentleman the Member for Portsmouth (Sir F. Baring), that there is not much difficulty in solving a question that appears so great to the Government. So far as I could perceive from a somewhat hasty examination of the 150 journals to which the right hon. Gentleman refers there is but an insignificant fraction of them that will require his attention. I was amused the other day on meeting with a cabalistic definition of news, in a book of childish instruction, that might have afforded some hints even to a Minister of Finance. The word "news" was there described by the initial letters of the four points of the compass. It is the initial letters of the four points of the compass that make the word "news," and he must understand that news is that which comes from the North, East, West and South, and if it comes from only one point of the compass, then it is a class publication, and not news. If he takes that simple hint as his guide, I think he will not find his difficulties in the definition of news so insurmountable as he takes them to be. I do not now mean to enter on the merits of the general question, I address myself only to the amendment of my hon. Friend (Mr. Deedes), an amendment, in my estimation, so sound, so just, and so suited to the circumstances with which we have to deal, that I feel it my duty to give it my support.

VISCOUNT PALMERSTON: Sir, the right hon. Gentleman who has just sat down, has stated with great accuracy that cases have occurred—and he stated several—in which this House having come to certain Resolutions in regard to taxation and finance, the Government of the day have not deemed it its duty, or necessary, to adopt the Resolutions to which the House may have come; but I think the right hon. Gentleman has omitted to consider the peculiar character of the Resolution to which my right hon. Friend the Chancellor of the Exchequer addressed his remarks. Anybody may easily understand that, if a Resolution to abolish a tax is proposed to this House, and the Government of the day resist it, but that the Resolution is carried in spite of that resistance, the Government holding by their own opinion of the tax, may abstain from taking any steps in consequence of the Resolution so carried in spite of their opposition. But the Resolution to which my right hon. Friend alluded was a Resolution carried without a dissentient voice, a Resolution in which the Government of the day concurred, and to which the Government are as much bound as the persons by whom it was proposed to the House; and it will be seen at once that there is an essential difference between a Resolution so carried, and one that is resisted and carried in spite of the opinions and strong determination of the Government. With regard to the financial part of the question, if my right hon. Friend the Chancellor of the Exchequer, were picking out a tax which he thought in itself objectionable, and simply because he thought some other taxes would be preferable, it would be very reasonable for those who objected to that course to say, "Let us wait till we see whether the tax you are about to propose will be less objectionable than the one you propose to abolish." If it were a question of mere preference in regard to financial operations, I could understand the ground on which Gentlemen opposed to the tax might wish to see whether another arrangement, better suited to the wants and wishes of the country, might not be proposed; but the measure of my right hon. Friend is not founded merely on financial preference. It is grounded on the injurious, and, indeed, intolerable state of the law—a state in which it is impossible the Law can be enforced as it stands, and which we feel requires to be altered. The law must be altered, because it is a scandal that a law should exist that cannot from its nature be enforced. If the law be altered, you must either make it more stringent, more precise, and enable the

Officers of the Crown to carry out its provisions and enforce its penalties in any case where it is violated—a course which I think this House will not be prepared to adopt; or, if you will not do that, you must do that which is pointed out by the Resolution of last year, and the Bill of my right hon. Friend and adopt the line of relaxation, and make the law more indulgent. Now for my part, I do not contemplate the proposed change as likely to be attended with those dangers that have been anticipated by some gentlemen in the course of the debate of this evening. I do not in the first place anticipate that this change will be productive of that injury to existing newspapers which they themselves have so industriously endeavoured to persuade us is awaiting them. I am persuaded that those newspapers—commercial speculations, such as described by the hon. Member for West Surrey (Mr. Drummond) in that amusing speech with which he has entertained the House this evening—that those great establishments will maintain their ground in spite of any competition that my right hon. Friend's measure may bring against them. I am equally convinced that there is no real danger to the morals or loyalty of the country from those cheap publications that are likely to rise up when this stamp duty is removed. I agree with those who have such confidence in the good sense and good feeling of the lower classes—for it is to them only that these cheap publications will be addressed—as to believe that no danger will follow to them from this change; that those publications from which danger is to be anticipated will not have such a circulation, or such an encouragement as will conduce to their permanent existence. Of course they may be attempted; but they will share the fate of others that have gone before them. If they rise they will soon fall again and share the fate of those which have gone before. On the other hand, I believe there will arise cheap publications for the use of those who are unable to buy dear ones, which will convey instruction, enlarge their understandings, improve their morals, and at the same time tend to make them good and useful members of society. I therefore entertain no apprehension on that score. This being my opinion, I am convinced that the House will best perform its duty to the public by concurring in the Bill proposed by my right hon. Friend. Of this I am sure, that we ought to determine one way or the other, and that the motion—the insidious motion I must call it of the hon. Member who proposes delay—will not mislead any Member of this House. We clearly understand that that for which we are voting is, whether the measure shall be adopted or not. No man will be misled into the error of fancying that, though in favour of the Bill, he is only voting for delay, and not against the Bill. If this is clearly understood, and the votes given "Aye," or "No" upon the measure, then the tactics resorted to by those who do not openly declare themselves will not succeed; and although they say the amendment is only for delay, let it be clearly understood what the truth is. Let every Member know that in giving his vote on this Motion he will practically be giving that vote "Aye" or "No" for the measure. ["No, no!"] Hon. Members may say "No." I do not expect them to concur in the interpretation which I give. They are against the measure. They wish to vote against it, but they feel some difficulty in doing so after having concurred in the Resolution of last Session. They cannot well get out of the position in which they are placed, and therefore seek to escape by a side door, and endeavour to accomplish it by a Motion for delay; but we require that the votes should be given in plain terms, for or against the measure. If the votes be so given I am confident in my expectation, that the House will make good its Resolution of last year, and concur in the second reading of this Bill.

Question put.

The House *divided:*—Ayes 215; Noes 161: Majority 54.

List of the AYES.

Acton, J.
Adair, H. E.
Adair, R. A. S.
Alcock, T.
Anderson, Sir J.
Baines, rt. hon. M. T.
Ball, J.
Barnes, T.
Baxter, W. E.
Beaumont, W. B.
Bell, J.
Bellew, T. A.
Berkeley, Adm.
Berkeley, C. L. G.
Bethell, Sir R.
Biggs, W.
Bland, L. H.
Bonham-Carter, J.
Bouverie, hon. E. P.
Bowyer, G.
Brady, J.
Brand, hon. H.
Bright, J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, H.
Bruce, Lord E.
Buckley, Gen.
Burke, Sir T. J.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Cavendish, hon. C. C.
Challis, Mr. Ald.
Chaplin, W. J.
Cheetham, J.
Clay, Sir W.
Clifford, H. M.
Clinton, Lord R.
Cobden, R.

Cockburn, Sir A. J. E.
Cowan, C.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Currie, R.
Dashwood, Sir G. H.
Davies, J. L.
Dent, J. D.
De Vere, S. E.
Dillwyn, L. L.
Drumlanrig, Visct.
Duff, G. S.
Duff, J.
Duffy, C. G.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Dundas, F.
Dunlop, A. M.
Ebrington, Visct.
Elliot, hon. J. E.
Ewart, W.
Fenwick, H.
Ferguson, J.
FitzGerald, Sir J.
Fitzgerald, J. D.
Foley, J. H. H.
Forster, C.
Forster, J.
Fortescue, C. S.
Fox, W. J.
Freestun, Col.
Gardner, R.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W.
Glyn, G. C.
Gordon, hon. A.
Gower, hon. F. L.
Graham, rt. hn. Sir J.
Greenall, G.
Greene, J.
Gregson, S.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Grosvenor, Earl
Hadfield, G.
Hall, Sir B.
Hankey, T.
Hastie, Alex.
Hastie, Arch.
Headlam, T. E.
Heard, J. I.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Higgins, G. G. O.
Hogg, Sir J. W.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Howard, Lord E.
Hudson, G.
Hutchins, E. J.
Hutt, W.
Ingham, R.
Jackson, W.
Johnstone, Sir J.
Keating, R.
Kennedy, T.
Keogh, W.
Kershaw, J.
Kinnaird, hon. A. F.
Kirk, W.
Langton, H. G.
Laslett, W.
Layard, A. H.
Lee, W.
Lewis, rt. hon. Sir G. C.
Locke, J.
Lowe, R.
Luce, T.
Lytton, Sir G. E. L. B.
Mackinnon, W. A.
M'Cann, J.
M'Gregor, John
Maguire, J. F.
Mangles, R. D.
Marjoribanks, D. C.
Matheson, A.
Matheson, Sir J.
Miall, E.
Milligan, R.
Milnes, R. M.
Mitchell, T. A.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Moncrieff, J.
Moore, G. H.
Mostyn, hon. T. E. M. L.
Mowatt, F.
Murrough, J. P.
North, F.
O'Brien, P.
O'Connell, D.
Oliveira, B.
Osborne, R.
Ossulston, Lord
Paget, Lord A.
Palmerston, Visct.
Pechell, Sir G. B.
Peel, Sir R.
Peel, F.
Pellatt, A.
Percy, hon. J. W.
Perry, Sir T. E.
Phillimore, R. J.
Phinn, T.
Pigott, F.
Pilkington, J.
Pollard-Urquhart, W.
Portman, hon. W. H. B.
Power, N.
Price, Sir R.
Pritchard, J.
Ramsden, Sir J. W.
Ricardo, J. L.
Ricardo, O.
Ricardo, S.
Richardson, J. J.
Robartes, T. J. A.
Roche, E. B.
Roebuck, J. A.
Russell, F. C. H.
Russell, F. W.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Scully, F.
Seymour, H. D.
Seymour, W. D.
Shelley, Sir J. V.
Sheridan, R. B.
Smith, J. B.
Smith, M. T.
Smith, rt. hon. R. V.
Stafford, Marq. of
Stanley, Lord
Stephenson, R.
Stirling, W.
Strutt, rt. hon. E.
Swift, R.
Tancred, H. W.
Thompson, G.
Thornely, T.
Thornhill, W. P.
Traill, G.
Uxbridge, Earl of
Villiers, rt. hon. C. P.
Walmsley, Sir J.
Walter, J.
Warner, E.
Whatman, J.
Wickham, H. W.
Wilkinson, W. A.
Willcox, B. M'G.
Williams, W.
Wilson, J.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.
Wyvill, M.

TELLERS.

Hayter, rt. hon. W. G.
Mulgrave, Earl of

List of the NOES.

Adderley, C. B.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Bailey, Sir J.
Baillie, H. J.
Ball, E.
Bankes, rt. hon. G.
Baring, T.
Barrington, Visct.
Barrow, W. H.
Bective, Earl of
Bennet, P.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Blackburn, P.
Bramley-Moore, J.
Bramston, T. W.
Bruce, C. L. C.
Buck, L. W.
Buck, G. S.
Burroughes, H. N.
Cairns, H. M.
Campbell, Sir A. I.
Carnac, Sir J. R.
Cayley, E. S.
Child, S.
Cholmondeley, Lord H.
Christy, S.
Clinton, Lord C. P.
Clive, R.
Cobbold, J. C.
Cocks, T. S.
Codrington, Sir W.
Cole, hon. H. A.
Corry, rt. hon. H. L.
Cubitt, Mr. Ald.
Disraeli, rt. hon. B.
Duckworth, Sir J. T. B.
Duncombe, H. A.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Egerton, W. T.
Egerton, E. C.
Elmley, Visct.
Emlyn, Visct.
Evelyn, W. J.
Fellowes, E.
Filmer, Sir E.
Fitzgerald, W. R. S.
Floyer, J.
Follett, B. S.
Forester, rt. hon. Col.
Franklyn, G. W.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
Gilpin, Col.
Gladstone, Capt.
Gooch, Sir E. S.
Graham, Lord M. W.
Granby, Marq. of
Greaves, E.
Grogan, E.
Guinness, R. S.
Gurney, J. H.
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hanmer, Sir J.
Harcourt, Col.
Hardinge, hon. C. S.
Hawkins, W. W.
Heneage, G. H. W.
Henley, rt. hon. J. W.
Herbert, Sir T.
Hildyard, R. C.
Holford, R. S.
Hotham, Lord
Irton, S.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kelly, Sir F.
Kendall, N.
Ker, D. S.
Knatchbull, W. F.
Knox, Col.
Knox, hon. W. S.
Labouchere, rt. hon. H.
Laffan, R. M.
Langton, W. G.
Legh, G. C.
Lennox, Lord A. F.
Leslie, C. P.
Liddell, H. G.
Lushington, G. M.
Macartney, G.
MacGregor, James
Malins, R.
Massey, W. N.
Masterman, J.
Meux, Sir H.

Michell, W.
Montgomery, Sir G.
Moody, C. A.
Mowbray, J. R.
Mullings, J. R.
Mundy, W.
Naas, Lord
Newark, Visct.
Newdegate, C. N.
Newport, Visct.
North, Col.
Northcote, Sir S. H.
Oakes, J. H. P.
Packe, C. W.
Pakington, rt. hn. Sir J.
Palmer, Rob.
Parker, R. T.
Peel, Gen.
Pennant, hon. Col.
Phillips, J. H.
Robertson, P. F.
Rolt, P.
Rushout, Col.
Sandars, G.
Scott, hon. F.
Seymour, Lord
Sibthorp, Col.
Smijth, Sir W.
Smith, W. M.
Smith, A.
Smollett, A.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stuart, W.
Thesiger, Sir F.
Tollemache, J.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Vance, J.
Vansittart, G. H.
Verner, Sir W.
Vernon, G. E. H.
Vernon, L. V.
Vivian, J. E.
Vyvyan, Sir R. R.
Waddington, D.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Whitmore, H.
Wigram, L. T.
Woodd, B. T.
Wyndham, Gen.
Wynn, Lt.-Col.
Yorke, hon. E. T.

TELLERS.

Deedes, W.
Baring, Sir F.

Main Question put, and *agreed to.*

Bill read 2°.

SUPPLY—REVENUE DEPARTMENTS.

Order for Committee read.

House in Committee.

The following Votes were then *agreed to*—

(1.) 835,182*l.*, Customs Department.

(2.) 483,238*l.*, Coast Guard.

(3.) 1,365,950*l.*, Inland Revenue Department.

(4.) 62,720*l.*, Revenue Police, &c.

House resumed.

CRIMINAL JUSTICE BILL.

Order for Second Reading read.

SIR GEORGE GREY, in moving the second reading of this Bill, said, that its object was to extend the power of summary conviction possessed by magistrates to cases of petty larceny not exceeding 10*s.* in value.

MR. SEYMOUR FITZGERALD said, he had great doubts as to the principle of this Bill, which would transfer the trial of one-half the criminals who now came before the Judges at assizes and quarter sessions to magistrates in petty sessions. If that principle were once acceded to, on what ground could they refuse to go still further, and give to magistrates summary jurisdiction over all cases of simple larceny without exception? A proposal had been made by the hon. Member for Berkshire (Mr. R. Palmer) to enable magistrates to deal in this manner with all larcenies to the value of from 1*s.* to 2*s.* 6*d.*, and although that plan proceeded, like this Bill, on the principle of fixing a pecuniary limit, it would yet be found practically to apply to a totally different class of criminals. He could not conceive a worse system than the existing one, but he thought that some better scheme than the present Bill might be devised for the more frequent delivery of gaols, without infringing on that great safeguard of our liberties—the trial by jury.

MR. ROBERT PALMER said, he felt no objection to the second reading of the Bill, for, before Christmas, he had given notice of his intention to introduce a measure founded on the same principle, which would not, however, have gone so far as to include cases where the value stolen was 10*s.*, but would have been confined to those cases which were usually designated by the Judges as trivial and trumpery. The evil of the present system was very great, for a man might be confined before trial for three months for some such trifling offence as stealing a couple of turnips—a longer detention than would be awarded for the crime he had committed. The expense to which counties were put for these trifling cases was proportionally enormous; and he mentioned a case of a man who had stolen two gallons of beans, and though the prisoner pleaded guilty, the costs of the prosecution amounted to 16*l.* 1*s.* 8*d.*

MR. HILDYARD said, he thought that the Bill would require a good deal of attention in Committee. There was, he considered, one great and palpable defect in it, namely, that the jurisdiction was confined to simple larceny, and did not extend to the case of a young vagabond picking a man's pocket of his handkerchief, because that was stealing from the person.

MR. HADFIELD said, he should support the Bill. He found that in seventeen cases the united value of the articles stolen amounted to 17*s.* 2½*d.*, and the expenses of prosecution to 150*l.* He wished that in trivial cases, and under peculiar circumstances, some power were given to the tribunals of dealing out justice short of sending a man to prison, by which act a stain was left on his name for life.

Bill read 2°.

The House adjourned at half after One o'clock.

HOUSE OF LORDS,

Tuesday, March 27, 1855.

MINUTE.] PUBLIC BILL.—2ª Militia (Ireland).

CRIMINAL LAW PROCEDURE—RESOLUTIONS—QUESTION.

LORD HATHERTON, seeing that his noble and learned friend opposite (Lord Brougham) had brought forward some Resolutions declaring the need of a more speedy administration of justice, which Resolutions had been postponed, begged leave to inquire when he would proceed with them? Even the all-absorbing interest of the war ought not to prevent the immediate consideration of his suggestions, to many of which he (Lord Hatherton) attached the greatest value. He (Lord Hatherton) being connected with one of the most populous counties of the kingdom (Staffordshire), had had opportunities, during forty years, of remarking, to his infinite pain, the inefficiency of the present system. Nothing could be more lamentable, nothing more dreadful than some of the evils it caused, and it was impossible that it could be longer maintained. He cordially agreed in the general principle, though not in all the details, of the Resolutions which Lord Brougham had proposed.

LORD BROUGHAM regretted to say, that at present, from the absorbing interest of the war, in which we were unavoidably and necessarily, but most unfortunately engaged, it was very difficult to obtain, either in Parliament or out of doors, the attention due to other subjects, of a different kind, but of the greatest importance. Not the least among the evils of that most unhappy conflict in which we were engaged, was that it tended to check the course of improvement in our internal affairs. But he thought it his duty to press these Resolutions on the attention of their Lordships. From letters he had received since they were moved on Friday, he found a great mistake prevailing as to their object. More than one person, magistrates in the country, supposed they related wholly to the want of a public prosecutor. That was only one of the subjects they included. What appeared to him to be most urgently necessary was the more speedy administration of justice to prevent the enormities he had described, when persons against whom there was really no shadow of an accusation were sometimes kept in prison for six or eight months, and perhaps not even then were brought to trial. He had intended to move that the debate be resumed after the holidays; but he now doubted whether a different course would not be more convenient. In 1828, when he made a statement to Parliament of the defects of our system of law, and jurisprudence, the result was the appointment of Commissions, to consider the method of civil procedure, and valuable improvements, including the establishment of the county courts, arose from their suggestions. He doubted now whether he should move the House to call upon the Crown to appoint such a Commission, or whether he should ask their Lordships to appoint a Select Committee. He should himself prefer a Commission, and hoped the result would be improvements of our criminal procedure as extensive and as valuable as those which from the Commissions of 1828, 1829, and 1830, had been made in our civil procedure.

THE ADDRESS TO THE QUEEN—THE ANSWER.

THE QUEEN'S Answer to the Address of yesterday, *reported* by the Lord Chamberlain, as follows :—

> "I thank you for your loyal and dutiful Address, and for the assurance of your Concurrence in such Measures as may be necessary to enable Me to fulfil the engagements which I have entered into with His Majesty the King of Sardinia."

THE STEAM-SHIP "PERSEVERANCE."

EARL TALBOT put the questions he had given notice of about the *Perseverance* steamer which upset herself in the dock, from the great top weight of her mast and yards. He would like to know who had ordered her to be so constructed. There were many instances he could cite of gross blundering and waste of money in the building and alteration of ships, which might have been obviated if a scientific board of reference had existed, or committee of dockyard officers, whose opinion could have been taken. He had heard that the *Perseverance* had now been resold to Messrs. Mare, from whom she was originally bought, at a sacrifice of 30,000*l.* or 40,000*l.* Was it true, also, that two other ships, of the same build, had been ordered by the Government?

EARL GRANVILLE, in his reply, which was not quite audible, said that the *Perse-*

verance, of 1967 tons, was purchased in May, 1854, of Messrs. C. and J. Mare, for the price of 38,000*l.*, and since then the Government had purchased the *Urgent*, for the sum of 41,000*l.*, and the *Sovereign*, for 53,000*l.* They were now being fitted up as troop ships; and the first two had been launched, and the third was ready for launching. They had none of them been offered for sale, nor did the Government intend to sell them.

MILITIA (IRELAND) BILL.

Lord PANMURE, in moving the second reading of this Bill, explained that its object was to regulate the application of the statute 49th *Geo.* III., c. 120, which required that officers of the militia in Ireland should possess a certain property qualification according to their grades in the service. Any officer acting without his qualification did, under that statute, subject himself to a very heavy penalty; but from various circumstances, which need not be particularly described, there were many officers who had, for some time, most inadvertently been in that situation; and the object of this Bill was simply to provide, that in such cases, the officers should not become amenable to the penalties of the law, if they proved their qualifications within three months after the passing of this Bill.

The Earl of HARDWICKE would only take that opportunity of observing that it was very important the House should, at some early period, take into consideration the whole subject of the state of our militia. He felt much anxiety, at present, for the good order and satisfactory condition of that force.

After some remarks from Lord Portman,

Lord PANMURE said he should take care, as soon as the Bill became law, to notify to the Lord Lieutenant of Ireland the instructions of the Government with regard to its provisions.

The Earl of ELLENBOROUGH said, he had had an opportunity of seeing the last circular, and so far as he could judge of it, he entirely approved of the conduct of the Government in sending it forth.

The Earl of WICKLOW said, that as the last clause of the Bill seemed to give rather stringent powers of removing officers, he wished the noble Lord would issue a circular to explain exactly how far its provisions were intended to be enforced.

Lord PANMURE was understood to say, that an explanatory circular has been sent down by Government to the lieutenants of the counties, in order to correct a mistaken impression about the militia service, which had apparently excited some temporary dissatisfaction.

Bill read 2^a.

Committee *negatived*, and Bill to be read a third time on Thursday next.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, March 27, 1855.

Minute.] Public Bill.—1° Convention with Sardinia.

YARMOUTH ARSENAL—QUESTION.

Sir EDMUND LACON said, he begged to inquire whether any report had been received from the commanding officer of Engineers at Harwich, or from any officer sent down for the purpose, relative to the Arsenal at Yarmouth; if so, whether that report recommends that building to be converted into barracks; and if it be intended to have an artillery force stationed at Yarmouth; further, if it is the intention of the Board of Ordnance to errect new batteries at the entrance to the harbour, or upon any commanding situation in the immediate neighbourhood?

Mr. MONSELL said, there had been a report received from the District Commander of the Royal Engineers, saying that the Arsenal was unfit for barracks, but certain representations had been made of an opposite character, and further inquiries would be made. As to the second question, whether it was intended to have an artillery force, he had to inform the hon. Member that it was decided to have some militia artillerymen stationed at Yarmouth, and early arrangements would be made for that purpose. In answer to the third question, he had to state that orders had been given for the construction of a battery at the mouth of the harbour, and three existing batteries had been ordered to be made serviceable. He would take that opportunity of answering a question put to him the other day by the hon. and learned Member for Sheffield (Mr. Roebuck) in reference to entrenching tools. The hon. and learned Gentleman at that time asked him whether there had not been a Commission issued after the camp at Chobham to inquire into the quality of entrenching tools, whether that Commission had not made a report condemning some of the tools, and whether, notwithstanding that Report, the Board of Ordnance had not continued to issue them. He begged to inform the House that there was no Commission, that there was no Report of any sort against entrenching tools after the camp at Chobham, and therefore the imformation of the hon. and learned Gentleman was not correct.

TERM OF SERVICE IN THE MILITIA—QUESTION.

VISCOUNT CHELSEA said, he wished to put the following question to the noble Lord at the head of the Government—namely, whether, a distinct pledge having been given on the 14th day of May, 1854, by the Duke of Newcastle, then Minister at War, and an understanding arrived at that militiamen enrolled under the provisions of the Act of 1852 should not be called upon against their consent to serve for more than fifty-six days in the year during the period for which they enlisted, the noble Lord is prepared to give an assurance that it is not the intention of the Government to take advantage of the power which, in the opinion of the law officers of the Crown, is conferred by the 15 & 16 *Vict.*, c. 50, to subject men, whenever enrolled, to the full obligations imposed by those Acts, but that some method will be devised to enable such militiamen as express themselves unwilling to serve for a greater number of days in each year than they were originally made liable to by the terms of their enlistment to return to their homes?

VISCOUNT PALMERSTON: Undoubtedly the law is as it was explained by the law officers of the Crown, and the Government have a full right to require from the militia complete obedience to that law; but it is quite true, as has been stated, that there was a sort of expectation held out by the noble Duke, the late Minister at the head of the War Department, that that obligation would not be strictly enforced. The noble Lord now at the head of the War Department is about to issue a circular to the whole of the militia regiments, the object of which will be to give to the men so enrolled previous to the passing of the Act of last year the option of being reattested, and of serving for the full time for which they are liable, or of selecting to complete only their fifty-six days in the year.

RECONSTITUTION OF POLAND.

MR. PHINN said, he owed an apology to the House for venturing, in a time of critical emergency, to submit to their notice a Motion of such universal interest, and involving such important consequences, as the one which he was about to propose. He should, however, make as calm, temperate, and dispassionate a statement as possible, and should refrain from any language which might prevent the Government carrying out its designs in regard to peace, or might awaken in any degree the sensibilities of foreign nations. He had felt considerable difficulty in submitting this question to the House, because in the first instance a very strong opinion appeared to prevail that the idea of attempting to restore Poland to its former rank and independence was a quixotic notion, that it was speculative and theoretical, and that it was a matter fitter for Utopia rather than for the calm consideration of reflective men, and also because there had always been a certain amount of ridicule thrown upon those who had formed strong and decided opinions on the subject. He felt, however, supported in his attempt from recent occurrences and in answer to such objections, he would appeal to the numerous petitions which had been presented upon the subject to that House, to the declarations of able and distinguished Members, among others to those of the hon. Baronet of an illustrious name, who now held an office in Her Majesty's Government, to the notice which it had attracted in foreign countries as well as in our own, and to the declaration made by the First Minister of the Crown the other night, that he considered the position which was occupied by Russia in Poland as a standing menace to Germany. Surely, if Warsaw were a standing menace to Germany, as Sebastopol was to Constantinople, the question was entitled to be regarded as one of great practical consequence. Another objection to the Motion was, that it was a matter which ought to be left entirely in the hands of the Government, and that it was too delicate for discussion in that House. He altogether repudiated such a false delicacy; he believed that no inconvenience could arise from the mature deliberations of the House upon such a subject, and he would remind it that the public mind was in no temper to accept the arbitrary judgment of statesmen as a solution of every important question relating to foreign policy. The time was past when the Government could say, *Sic volo, sic jubeo, stet pro ratione voluntas.* He believed it to be of the utmost importance that subjects which were discussed freely in the press and at public meetings should have the advantage of the deliberation of that House, where every question was argued with judgment, and the bane, if any, was certain to find its antidote. He was convinced that the partition of unhappy Poland would never have taken place if the attention of the House of Commons had been directed to the subject, and that that gross infraction of public law and of national rights would never have occurred if a healthy public opinion had found expression in that House. It appeared to him that the object of the present war ought not to be to repel a mere temporary aggression, but that it ought to be conducted with the view of affording securities and guarantees for the future independence of the nations of Europe. The country was engaged in a contest against an enemy who possessed a large and barbarous population, and who moulded them into one vast army, inflamed by fanaticism, for the purpose of aggression. It might appear to some persons a powerless argument, if he were to refer to a document which some believed not to be authentic—he cared not whether this document were authentic or apocryphal, whether it bore its true date or not, whether it were a prophecy or a history. If of its true date, it is a remarkable presage of future policy; if of a later date, an accurate history of Russian aggrandisement. The policy there laid down for the guidance of future generations, was always to keep up an army to aggrandise the country at the expense of Poland, to make war serve the purpose of peace, and peace serve the purpose of war, and, by its alliances with the smaller States of Germany, acquire a footing in that country, and thus, if possible, destroy the unity of action among the various States, forming that great people, who might be called the centre of gravity of Europe. Within fifty years from the death of Peter the Great, the kingdom of Poland was partitioned by an act of lawless aggression of the three great Powers, of Austria, Russia, and Prussia, and, by subsequent partitions, a kingdom which extended from the Oder to the Dniester, and from the Baltic to the Carpathians was appropriated by a scandalous violation of public law, and became an integral part of the kingdoms he had just alluded to. That act of aggression was accomplished by precisely similar means and under similar pretexts as the late aggression upon Turkey. Then a part of Poland was the bait held out to Prussia and Austria, as in the later instance Egypt and Candia were the baits held out to this country. At the Treaty of Vienna, after the earnest resistance of Austria, Prussia, and France, a compromise was effected, the kingdom of Poland was to be reconstituted, and guarantees were given which afterwards were entirely disregarded. It might be said, that even admitting the great evil which had been done, how could it be expected that this country should attempt to remedy it, supported by reluctant allies? He had himself been asked to consider what effect the Motion he brought forward might have upon our alliances; and his answer, that the policy of Austria was identical with that of this country, and that she had already sought to restore the part of Poland which she had appropriated, had been received with great incredulity. Maria Theresa, the Empress Queen, had stated to M. de Breteuil, the French Ambassador at the Court of Vienna—

> "'I know, M. l'Ambassadeur,' says the Empress, 'that I have brought a great stain on my reign by all that has come of this affair with Poland; but I assure you that I should be pardoned were the extent of my repugnance to it known, and how much circumstances have united to force my principles as well as my resolutions against all extreme views of the unjust ambition of Russia and Prussia. Finding no other means of opposing myself alone to the plan of these two Powers, I believed that, in exercising on my part exorbitant demands and pretensions, they would refuse me and break off the negotiation; but my surprise and grief were extreme on receiving, in reply to these demands, the entire consent of the King of Prussia and the Czar. Never have I been so distressed; and I must do justice to M. de Kaunitz for his great trouble at this time. He had always strongly opposed this cruel arrangement.'"

M. de Kaunitz wrote to the Duc de Rohan, the Minister Extraordinary of France—

> "After the efforts which Her Imperial Majesty has made to restrain her neighbours, after having sacrificed enormous sums to restrain an ambitious rival, Her Majesty would have exposed herself by a more prolonged inaction to the total ruin of her finances, to contempt, and the most irreparable disaster. I had no alternative, then, but to take the part my Court determined on, although with real regret and extreme aversion, constrained by the force of circumstances, and free from all personal desire, it contented itself with insuring itself possessions corresponding with those which Prussia has gained. The equilibrium of Europe required that indemnity."

From these documents it appeared, that

within a short time of the partition of Poland, Austria perceived the mistake which she had made. At the second partition she received no territory at all, and at the third a comparatively small portion. During the Vienna Congress in 1814, Prince Metternich wrote:—

> "Of all the questions to be discussed at this Congress, the King would undoubtedly consider the affair of Poland as incomparably the most important to the interests of Europe, if there be any chance that this nation so worthy of regard, by its antiquity, its valour, its misfortunes, and the services it has formerly rendered to Europe, might be restored to complete independence. The partition, which destroyed its existence as a nation, was the prelude to—in some sense the cause of—the subsequent commotions to which Europe was exposed."

Now, when he was told that he endangered the Austrian alliance by bringing this subject before the House, he would call upon them to remember the declarations made by the Government of that country. The Austrian plenipotentiaries, speaking in the name of the Emperor, after Russia had determined to keep her hold upon the Duchy of Warsaw, said:—

> "The conduct of the Austrian Emperor can have left no doubt in the mind of the allied Powers, that the re-establishment of Poland as an independent State, with a national administration of its own, would have fully accomplished the wishes of His Imperial Majesty; and that he would even have been willing to make the greatest sacrifice to promote the restoration of that ancient and beneficial arrangement. This fact must be sufficient to show that the Emperor is very far from entertaining any jealousy or anxiety as to the interference of the Polish nation with this empire. Austria has never considered free and independent Poland as an inimical or rival Power; and the principles on which his illustrious predecessors acted, and which guided His Imperial Majesty himself until the partition in 1773 and 1797, were abandoned only under the pressure of circumstances which the Sovereigns of Austria had it not in their power to control."

He might add, as a matter of history, that, after the revolt in 1831, a circular, certainly somewhat ambiguous in its language, was addressed to the agents of the Austrian Government at the various Courts of Europe, expressing a sincere desire for an amicable settlement of this great question, in the sense of securing to Poland a complete independence. That was the policy of Austria. What had been the course pursued by England and by France? The policy of England was, no doubt, exceedingly unworthy of so great a nation. The answer made by Lord North to the Russian Minister upon the announcement of the partition was in the following terms:—

> "The King is willing to suppose that the three Courts are convinced of the justice of their respective pretensions, although His Majesty is not informed of the reasons of their conduct."

To a most touching appeal from the King of Poland, His Majesty (George III.) replied through his Minister:—

> "I have long since seen with extreme pain the evils which surround your Majesty and which have paralysed Poland. I fear that those ills have arrived at the point at which they cannot be redressed except by the hand of the Almighty, and I see no other intervention which can remedy them. I would willingly exercise mine if I could see the moment at which it might be useful."

That was the hypocritical, the ridiculous answer in point of policy which the Ministers of George III. deigned to give to the remonstrances of the Polish nation. But there were great and enlightened statesmen in this country who foresaw the evils which would ensue from the partition of Poland and the dangers which would menace the peace of Europe. Every one was familiar with the picture drawn by Mr. Burke in 1772, of the manner in which this partition would affect Germany and the equilibrium of Europe, and of the unhappy precedent it would afford for attacks upon weaker States. Mr. Fox, Lord Grey, and, he believed, almost every statesman of weight in the councils of the nation, denounced that partition, and our acquiescence in it, as one of the most grievous errors which could be committed. At the Congress of Vienna there was a most remarkable correspondence, exceedingly little known to the Members of that House and to the general body of the people, which was not published until thirty-two years after the transactions to which it alluded, and which surrounded the memory of Lord Castlereagh with a fame and a glory which he had not hitherto gained among his countrymen, and which placed his anxiety for the maintenance of the rights of public law, and the interests of humanity, in a light that it was difficult to appreciate. The passage which he would quote was contained in a confidential correspondence between the Emperor Alexander and Lord Castlereagh. His Lordship said—

> "The forced annexation of nearly the entire of so important and populous a territory as the Duchy of Warsaw, containing about 4,000,000 of people, upon a principle of conquest, to the empire of Russia, so largely increased of late by her conquest of Finland, by her acquisitions in Moldavia, and by her recent extension on the side of Persia, her advance from the Niemen into the very heart of Germany, her possession of all the fortresses of the duchy, and thereby totally exposing to her attack the capitals of Austria and Prussia, with-

> out any line of defence or frontier; the invitation to the Poles to rally round the Emperor of Russia's standard for the renovation of their kingdom; the giving new hopes and animation and the opening new scenes for the activity and cabals of that light and restless people; the prospect of renewing those tumultuary contests in which the Poles so long embroiled both themselves and their neighbours; the dread that this measure inspires of laying fresh materials for a new and early war; the extinction it produces of any reasonable hope of present tranquillity, confidence, and peace—all these and many more considerations present themselves to the general view and justify the alarms that pervade Europe."

Had such a passage been written at the present day it could not have been more applicable and more just. In another part of this correspondence Lord Castlereagh said—

> "If moral duty requires that the situation of the Poles should be ameliorated by so decisive a change as the revival of their monarchy, let it be undertaken on the broad and liberal principle of rendering them again really independent as a nation, instead of making two-thirds of them a more formidable military instrument in the hands of a single Power. Such a measure of liberality would be applauded by all Europe and would not be opposed; but, on the contrary, would be cheerfully acquiesced in both by Austria and Prussia. It would be a measure, it is true, of sacrifice, in the ordinary calculation of States, on the part of Russia; but if His Imperial Majesty is not prepared for such sacrifices to moral duty on the part of his own empire, he has no moral right to make such experiments at the expense of his allies and neighbours."

The result of these discussions was, that the aid of France, at that time humbled by recent events, was invoked to resist the insidious designs of Russia. It was not, perhaps, generally known that Talleyrand, at the Vienna Congress, said:—"Of all the questions to be discussed, the King would undoubtedly consider the affair of Poland as incomparably the most important to the interests of Europe." When it was found that Russia was determined upon securing the whole duchy of Warsaw, a treaty was entered into between the representatives of France, Austria, and England to repress the designs of Russia; but that treaty was not acted upon in consequence of the return of Napoleon from Elba. The final result was, that Poland, guaranteed by the most solemn treaties, had been, on the most fraudulent pretences, entirely suppressed. At this moment, when we were invoking the aid of all the nations of Europe to assert the supremacy of public law, he certainly thought it was desirable that the Government should recollect what little attention had been paid to the Treaty of Vienna on the part of

Russia. The policy of France on the subject had been invariable. Napoleon restored a very considerable territory to Poland from the spoils of Prussia and Austria, and erected it into a grand duchy in 1807, and again in 1812, promising to secure the nationality of Poland as the price of her co-operation against Russia. Subsequently at the Vienna Congress, and again in 1831, France always upheld the independence of the kingdom of Poland. In one of the earliest speeches of Louis Philippe to the Chamber of Deputies, the King stated that he had endeavoured by an offer of his mediation to assure to Poland "that nationality which resisted all times and changes;" and the Chamber, in their reply stated, that they rejoiced to hear the assurance "that the nationality of Poland shall not perish." When the destinies of Poland were trembling in the balance, Louis Philippe sent here as an Ambassador Count Walewski, himself of Polish origin, who appealed to the noble Lord now at the head of Her Majesty's Government, and then Secretary of State for Foreign Affairs. His Lordship, however, refused to interfere at that moment, on the ground that Russia was then a friendly Power, and that the preservation of Polish independence did not come within the scope of British policy. His Lordship added, however, that he viewed with the greatest regret these attempts to repress the nationality of Poland, and would cause representations to be made to the European Courts on the subject. He thought he had now proved, that three great Powers of Europe, two of whom were now united in arms, and had entered into a cordial alliance, consecrated by blood shed on the field of battle, and which he hoped would insure peace to both countries for ages to come—he had now proved that these two Powers, joined by a third, whose good offices at any rate, were professed to be exercised in our behalf, had always been united in the opinion that the maintenance of Poland in some shape as a distinct and separate nationality was essential, not merely to the interests of Germany, but to the maintenance of public law and tranquillity in Europe. But there was another Power which he should have thought would have been more interested in the question than any other—a Power of whose conduct and vacillation he would not say a word, after the eloquent denunciation of that vacillation in another place by a noble Lord, whom he might pronounce, truly, the Nestor of his day, the "old man eloquent" in Parliament. If it were necessary to gain the assistance of any Power for the maintenance of the integrity of Poland, he should have thought that Power would have been the first to join in any co-operation for the attainment of the object. But throughout all the successive attacks which had been made upon the independence of Poland, the conduct of Prussia had been characterised by cowardice and a slavish submission to the will of Russia. When, however, she found that the distance from Warsaw to Berlin was only about 300 miles, that she had hardly a fortress to resist the march of the invader, that upon the side of France there were no slight aspirations, if she were to betray herself and Europe, for her Rhenish provinces, and that upon the north her treacherous conduct had irreparably offended Denmark, on the south her policy in 1850 had thoroughly aroused the scarce dormant jealousies of Austria, and the memory that Silesia had been stolen from her, he thought she would hesitate before committing political suicide, nay, political parricide, and would find it to her interest to support any representations which might be made by Her Majesty's envoy at this present time, at the Court of Vienna. He knew it might be said, "We are aware of the desirability of securing the independence of Poland as a guarantee for the future peace and tranquillity of Europe, but you have now only to deal with the Four Points. We have expressed our readiness to negotiate on the Four Points, but this does not form one of them, and we are now only trying to secure the independence of Turkey and the future equilibrium of power in Europe." That this might be said, he was perfectly well aware; but, as had been remarked by M. de Talleyrand, the centre of political gravity in Europe was neither on the Elbe nor on the Adige, but on the Lower Danube, and to restore that, the reconstitution of Poland was necessary. It might be true that this question did not come within the Four Points, but the Four Points were merely the basis of negotiations, and there was no reason why an alternative proposition could not be propounded. Perhaps Russia might not concede all that was desired to secure the independence of Turkey, and then the position of Europe, as it existed at the treaty of Vienna, might be restored. It would be well to have a kind of menace in the background against Russia, and let that Power know what might happen if she did not consent to uphold the faith of public treaties and the equilibrium of Europe. It was important in reference to a question of this nature to see what had been said by one of the ablest Ministers Russia ever had. Count Pozzo de Borgo, in a secret despatch observed—

> "The modern history of Russia has for its objects nearly exclusively the destruction of Poland. It has achieved that destruction to bring itself into contact with the western nations of Europe, and to gain a larger field for the development of its forces, its talents, its ambition, its passions, and its interests."

The present position of Russia with regard to Poland was a menace to England and France, just as much as her maintenance of Sebastopol and her ascendancy over the Black Sea was a menace to the rest of Europe. In any negotiations for peace which might be entered into at Vienna, he trusted that the interests of the Circassian tribes would not be neglected. He thought, however, that the Government would hardly advise Her Majesty to sign a treaty in which the independence of that brave race was not secured. After having encouraged their resistance, supplied them with arms, and enlisted their sympathies in the cause for which this country was fighting, we could never be so base as to abandon them to the ultimate designs of Russia. He knew he had obtruded an unpleasant topic upon the House, and, perhaps, on Her Majesty's Ministers. But he made his appeal particularly to the noble Lord who, at a critical period, had been, by the united voice of every branch of Her Majesty's subjects, placed at the head of public affairs. The people of this country looked upon the noble Lord as—

> "A daring pilot in extremity.
> Pleased with the danger when the waves run high,
> He courts the storm."

He knew they would see in the noble Lord a worthy Minister of the Queen, as Burleigh was in the time of Elizabeth—that Minister who, by strongly knitting an alliance between England and France, paralysed the power of the great Emperor of his day, and supported the independence of the provinces of the Low Countries at the risk of the invasion of England and Ireland. They saw, also, in the noble Lord a descendant of that able man who, in framing the triple alliance, curbed the rising ambition of Louis XIV., a worthy pupil of that great man who boasted that he would redress the balance of the old world by creating a new. They looked to the noble

Lord for a peace which would not be a vain, empty, and temporary truce, but a solid peace, embracing advantages and securities that would maintain for years to come the tranquillity and independence of Europe. He knew the noble Lord might say, "This is all very right, but we have not the means of saving Poland from destruction and of raising the Poles again into a free and independent kingdom." He, however, believed that the noble Lord was a greater kingmaker than Warwick himself. He had raised up the kingdom of Belgium, had been a party to the upholding of the kingdom of Greece, and by the Quadruple Treaty had maintained the independence of Spain and Portugal. The noble Lord told them that difficulties were but obstacles that were to be overcome, and he believed all the difficulties of this case might be surmounted by the noble Lord. He (Mr. Phinn) did not wish to put the matter as a question of sentiment or sympathy with a great and gallant people, but as a question of European law, involving the interests of England and of the whole of Europe. It was a question which he was perfectly ready to leave in the hands of the noble Lord, feeling confident that the noble Lord would take such measures as the state of negotiation would permit for carrying out the wishes and feelings of the people of this country.

MR. SCHOLEFIELD seconded the Motion.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to command that, in the event of negotiations being commenced with a view to peace, Her Majesty's Envoys should use their best exertions for the reconstitution of the Kingdom of Poland within its ancient limits, as a measure just and necessary in itself, in accordance with the ancient policy of this country, and as absolutely essential to the due maintenance of the balance of power in Europe."

MR. MONCKTON MILNES said, it had been his lot on former occasions, when the question was brought forward by his noble Friend the late Lord Dudley Stuart, whose memory was linked to an unselfish devotion to the case, to express his opinions on the question of Poland. But he was anxious, before the noble Lord (Viscount Palmerston) spoke, to say two or three words on the subject, for he thought his hon. and learned Friend (Mr. Phinn) was right in bringing the subject before the attention of the House. Taking the words of the Resolution, they enunciated facts on which all were agreed. The historical summary which his hon. and learned Friend gave to the House was also such as they could all agree upon, and he could not see how his hon. and learned Friend was wrong in suggesting to Her Majesty's Government that this was a question which should obtain serious attention during the negotiations which were now proceeding. Every Member of that House would agree that the partition of Poland had been a great public calamity, that it had given rise to a series of most lamentable events, and that it had endangered the peace and tranquillity of Europe. At the same time, he was bound to say that it was impossible for any man who knew the history of Europe of late years not to see the difficulties which surrounded the question. His hon. and learned Friend might not, perhaps, be aware that there was in the Foreign Office of Paris a despatch in which the French Ambassador related that, having had an interview with George III., after the peace concluded with France in 1783, the King said to him—"Sir, if France and England had been allied there would not have been a first partition of Poland; let us keep friends, and then there will not be a second." He (Mr. Milnes) believed that it was only by a firm maintenance of the French and English alliance that they could entertain any hope of pressing this important subject upon the attention of the Russian Government. It had been said the other night that this was a German question, but where were the allied Powers now negotiating conditions of peace? Why, in the very heart of Germany, and it was in a great measure from the influence of Germany that a favourable result of these negotiations might be anticipated. But Poland had always been regarded with jealousy by the German Powers whose territories were contiguous to those of that great and compact kingdom, and, therefore, Prussia and Austria had been ready to concede to Russia a large portion of Poland, on condition that they should themselves have a considerable share of that country. If, however, the position of Poland with respect to the German States was dangerous before the partition, was it less menacing now? Russian Poland was, at the present time, one enormous fortification. Russian Poland, at the present moment, threatened Germany with exactly the same kind of menace as Sebastopol threatened Turkey. He did not wish the people of England should be deceived on this point, and he thought that in the case both of Poland and Sebastopol they could make no demand requiring the disarmament of the one or the other, unless they were prepared to conduct the present war otherwise than as they had conducted it—unless they could conduct it with military genius and official aptitude. It was idle to talk of Sebastopol on the one hand, or of Poland on the other, unless they could show that they could back up brave words with brave deeds, maintain their armies in the field, and protect their soldiers under the hardships and misfortunes of war. If they could not do these things, the sooner they made peace the better. Still, he firmly believed, the efforts that had been made on the part of Poland, and the deep faith of the Polish emigrants in the restoration of their country, afforded an earnest of the future destiny of that country, and that it would yet play a great part either for weal or for woe.

LORD ROBERT CECIL said, he certainly could not coincide in the doctrine laid down by the hon. and learned Gentleman the Member for Bath, that his proposal was demanded by the policy of the country, or that the reconstitution of Poland was just and necessary in itself. It appeared to him that if we could not take a town within six miles distance of the port at which we had disembarked, without our army being left to perish in the snow, it was useless to talk of entering upon an attempt which had foiled the genius of Napoleon. With regard to the Austrian portion of Poland, perhaps the hon. and learned Gentleman (Mr. Phinn) was not aware that those provinces were highly fertile and productive; it was, therefore, not very likely that she would yield them up without a struggle; and he could not believe that it would be deemed very advisable for this country to rush into war on behalf of Poland with Russia, Austria, and Prussia, in arms against us. He was most anxious to say a word or two on the reconstitution of Poland, bearing upon the remarks of the hon. Gentleman who had just sat down. The partition of Poland had been called a scandalous violation of public law, and a great public crime; but was the hon. Gentleman prepared to justify his doctrine on that point, as of universal application, and to say that it was to be enforced in every country, in every case, and at every time. Why, let them look at the projects in which England herself had engaged during the last two centuries, before this country ventured to accuse others. There was not a quarter of the globe in which England had not increased her territory by precisely the same process of aggression; and at this very moment maintained her dominions by the repression of oppressed nationalities. At the end of the last century she took the Cape by force, and at that very moment she kept it by force; and her dominion there was maintained over a population which detested her as much as they detested the false humanity which prevented them from protecting themselves against the Kafirs. He presumed, too, that it was not with a very good will that the inhabitants of French Canada had accepted our domination; yet there was a case which had never been designated as great public crime. Our possessions in India, Ceylon, and the Ionian Islands were acquired by military power. In Ceylon and in the Ionian Islands punishments had been inflicted by the authority of English Governors almost as severe as any that Constantine had inflicted in Poland, and it was evident that the population of those islands were oppressed in the strictest sense of the word. Therefore, it appeared to him a very gross piece of hypocrisy to say that England upon all occasions was to come forward in defence of oppressed nationalities when a great portion of her empire was constituted of them. For 400 years Turkey had continued to oppress one of the greatest nations the world had ever seen, and she had maintained her rule without an effort to reconstitute or absorb it; and this war which the country had engaged in would tend to rivet those chains on a nation one of the most oppressed in the world. They were very fond of reproving the Americans for their hypocrisy in proclaiming their love of freedom with the maintenance of slavery. It behoved England to consider whether or not, by proclaiming herself the champion of oppressed nationalties—while in every quarter of the world she had in her own person played the part of the oppressor—she was not alike guilty and hypocritical.

VISCOUNT PALMERSTON: I cannot, Sir, at all concur in the observations which have been made by the noble Lord who has just sat down, and who has compared the progress of the British arms in different parts of the world with that transaction which has obtained the reprobation of all Europe—the different partitions of the independent kingdom of Poland. The conquests which we have made have been made against great and powerful enemies—they have been wars that have been undertaken for our own defence, and in vindication of the liberty and independence of nations. Some of the conquests we made from the enemy we kept; some of them we gave up; but to talk of the nationality of conquered colonies taken either from France or Holland, or from any other power with which we were engaged in war, is really a total misapplication of the term. Again, in regard to India, so far from our conquests there being attended with the oppression of nationalities, I ask any man who knows anything of the interior of India, and the comparative modes of administration of our Government and those of the native princes whose territories have been acquired in the progress of war, whether, so far as the inhabitants of these countries are concerned, it has not been a blessing to them to be relieved from the tyranny of some of those native chiefs under whose oppression they had previously groaned? With regard, however, to the Motion of my hon. and learned Friend (Mr. Phinn), I perfectly agree with the observation with which he commenced his speech, namely, there is no reason—there is no sound policy—there is no good sense—in any man who will endeavour or wish to shut out this House from the fullest discussion of diplomatic and international questions. I am perfectly ready to agree with him that those discussions, when conducted with temper and moderation, and illustrated by that range of knowledge which has distinguished the speech of my hon. and learned Friend, must tend to good instead of being accompanied by public mischief. But with regard to this Motion, it is not my intention to go at length into those topics which my hon. and learned Friend has discussed. I hope that no man will suppose that Her Majesty's Government differ in opinion with him as to the violation of public right, and the violation of moral law, which was committed when those different partitions of Poland took place in past times. I do not differ with him also in opinion as to the policy of the course the Government of Austria at that time pursued. It is perfectly demonstrable that neither with regard to Austria or Prussia was any adequate compensation of interests acquired to counterbalance the blow that was inflicted upon the moral principle by that spoliation in which they allowed themselves to be made parties. But with regard to the practical Motion now before us, the House must see what the tendency and natural consequences of agreeing to such a Motion must be. I hold, in the first place, it is neither desirable nor advisable for this House to dictate to the Executive Government what course it is to pursue in regard to negotiations pending upon matters of deep national interest. It is impossible for the House of Commons to be in possession of all those various considerations upon the bearings of which must depend the expediency of this or that demand—of this or that condition in the negotiations for peace. This balance of considerations must depend upon information which the Executive Government can alone possess; and it is for the Executive Government, when it has advised the Crown to conclude an arrangement or break off an arrangement, to show to this House that there were sufficient grounds either one way or the other—either for conclusions that led to peace or that the arrangements proposed were of a kind which the Government had thought it necessary to reject. But the Motion of my hon. and learned Friend I take to be chiefly made for the purpose of enabling him to express in the detailed form he has expressed them, his sentiments upon the general question of the partition or possible restoration of Poland. But the Motion itself is one which—even if it were in principle desirable and proper that this House should dictate to Government the specific condition upon which they should negotiate for peace—the House should be very slow and careful and cautious to admit; for what are the words which my hon. and learned Friend proposes to put into the mouth of the House? They are to this effect—"That the reconstruction of the kingdom of Poland within its ancient limits is just and necessary, and is absolutely essential to the balance of power in Europe." If the House were to adopt that opinion, and to carry that opinion by an Address to the foot of the throne, that Resolution ought not to stop where it does. My hon. and learned Friend ought to propose that it should go on to say that the House should enable Her Majesty to carry on the war until she had accomplished this object, which the House thus declared to be absolutely necessary and essential for the welfare and interest of Europe. Therefore, Sir, I think that, on general grounds of expediency and of propriety, as well as with regard to the particular words of the Motion, it is impossible for the House to concur in the proposal of my hon. and learned Friend. It is well known that the Government of this country has, in conjunction with the Government of France, and in connection with the Government of Austria, agreed to enter into negotiations with the Government of Russia, on the arrangement which is generally known under the denomination of the "Four Points;" but the restoration of Poland does not enter among those "Four Points." I think the House would not deem it expedient (considering the great difficulties which there may be found to exist in arriving at a satisfactory conclusion of the war even upon the conditions comprised in those "Four Points") to add to those difficulties by declaring it to be absolutely necessary to restore—what? Not merely to detach the kingdom of Poland, or the former Duchy of Warsaw, from that connection with Russia that was established by the treaty of Vienna, but my hon. and learned Friend goes on to say—to re-establish Poland in its ancient limits, and to wrest from Russia provinces which for a great length of years have been incorporated in, and formed an integral part of, the body and frame of the Russian Empire. I doubt very much whether this House would agree to impose such a condition upon Government as being essentially and absolutely necessary. The war in which we are engaged was undertaken for the protection of Turkey against the aggression and invasion of Russia. That was the immediate danger, and the Government thought that the object was of sufficient importance to justify them in calling upon the country to furnish them with the means of endeavouring to assert in that respect the principles of international law. Government thought there was an interest of Great Britain sufficiently important involved in that question which justified them in having recourse to arms. The question of Poland (the importance and interest of which to Germany, and through Germany to Europe, and through European interests to this country, I do not wish to underrate) is a question not of yesterday or the day before—not of this year or that year—but is dated, as my hon. and learned Friend's historical narrative shows, from a former, earlier, and more remote period. That is not the danger that has suddenly or recently grown upon the world, and enters not into the motives that justified and required the present appeal to arms, and therefore, I think, the House will not be disposed to require imperatively of Her Majesty's Government that they should mix up that question with the negotiations which are now pending. Whatever may be the feelings and opinions which Englishmen must necessarily entertain on the general question of Poland, I should be very unwilling in anything I might say on this general question to enter into a discussion that might have the least effect upon the negotiations which are now pending. I trust the House will forgive me, therefore, if I do not follow my hon. and learned Friend through that question, which he has so ably and fully discussed. I confine myself, therefore, simply to saying that it is impossible, in my opinion, for the House to agree to the Resolution he has proposed, because it would lead to objectionable consequences in regard to the continuance of hostilities, by the introduction of an object which it might be out of the power of any means England could supply to obtain. Therefore, to agree to the Address would be highly inexpedient, and at variance with the interests of the country. I do not, therefore, feel myself at liberty to agree to the Motion of my hon. and learned Friend, and I trust that my hon. and learned Friend, having satisfied the feelings of his mind by the speech which we have listened to with great pleasure—admiring, as we do, the ability with which he has placed upon record the sentiments that animate him on this subject—will not put the House to the necessity of a division, the effect of which might be misconstrued. If the House should negative the proposal upon the grounds I have stated as an objection to it, that negative might be misconstrued as implying a difference of opinion with him on the abstract question of justice—a difference which I am persuaded would not be found to exist in the minds of Members of this House.

MR. PHINN said, that after the appeal which the noble Lord had made, he felt that he had no alternative but to withdraw the Motion. But he must protest against the suggestion that he had a great wish to make his speech. He had no desire to obtrude himself on the House, but he considered that there was a strong feeling in the country on the subject he had called their attention to.

Motion, by leave, *withdrawn.*

ARMY APPOINTMENTS.

MAJOR REED said, he rose in accordance with the notice he had given, to move for a Select Committee to inquire into the present mode of conferring appointments in the army. He sincerely wished that this most important subject had been taken in hand by some hon. Member of greater experience and weight in the House than himself; but, since the duty had fallen upon him, he should not shrink from discharging it. The first point he wished to call the attention of the House to was the system of promotion in the army by purchase. This matter had been discussed very recently most ably on both sides of the House, and he believed that system was pernicious to the service and unjust to the private soldier, as well as to the poor but efficient officer, who was not in a position to be able to pay the large sums required to secure his promotion from step to step. The noble Lord the Member for Huddersfield (Viscount Goderich) brought forward this subject very recently in an admirable manner, and he believed that any hon. Gentleman who supposed that the noble Lord wished to introduce any levelling principle was very much mistaken. In vindicating the cause of the private soldier, the noble Lord desired, as he (Major Reed) also wished, to be the champion likewise of the poor and efficient officer. When the noble Lord the other night called attention to the way in which promotion by purchase was obtained, the hon. Under Secretary for War reminded the House that by an Act passed in the reign of George III. it was enacted that a certain regulation sum should be paid for the commission of an officer and for his future advancement step by step. He held in his hand a copy of the rules by which the British army was governed, and begged to call attention to the twentieth rule, which had reference to the purchase of commissions. In that rule regulations were laid down for the sale and purchase of commissions, and it was declared that any officer who violated those rules should be cashiered; and that any agent who assisted in the violation of them should be deemed guilty of a misdemeanor. Now he would appeal to any hon. Gentleman to say whether it was a fact that that regulation price was adhered to in the purchase of commissions? On this subject the Queen's regulations were broken through, he would not say with the sanction, but certainly with the knowledge of the Horse Guards. If, then, the rules under which the army should be governed could be broken through, and if the infraction were recognised by the Horse Guards, he maintained that the sooner the Queen's regulations were put into the fire the better. He wished to see promotion go by merit, especially in regard to the poor officer, who had made the army his profession, and could not compete in matters of expense with gentlemen who entered the service merely for the purpose of wearing a uniform, and who had long purses to back them up. But at the same time he was not prepared to say that promotion should solely take place from the ranks. He had received a vast deal of correspondence in connection with this subject, but he would not trouble the House with more than one or two cases proving the injury which this system of purchase carried with it. He had no wish to make any personal attack, but it was necessary on a subject of this national importance that men should not be too nice. He would in the first instance refer to the case of the colonelcy of the 13th Light Infantry, to which an officer had been appointed over the majors and captains in the regiment, who had passed through distinguished service. The officer in question was doubtless a most gallant fellow, but he had only been in the service nineteen years. If a stranger to a regiment were put over it, because the senior officers were not competent for the command, there would then be some justification for such a case; but in this case no such justification existed, for the majors and captains were veteran and experienced officers. The 13th Light Infantry had served through all the Affghanistan war, and here was a man of nineteen years' standing appointed to command it, though there were two majors in it of twenty-four and twenty years' service, the senior captain was an officer of twenty-six years' service, and the second and third captains were officers of twenty-four years' service. The senior major had served in the campaign of Affghanistan, he was in twenty-two actions, was engaged in the defence of Jellalabad, had three medals, and was once severely wounded. The second major was in the same campaign, was in Ghuznee, and in six actions, and had one medal. The senior captain was in

Affghanistan and in Ghuznee, in nineteen actions, and had three medals, and was twice severely wounded. The next captain was in Affghanistan, Ghuznee, Jellalabad, in fifteen actions, and had three medals. The third captain was on the staff of General Sale, was at Jellalabad, had three medals, was twice wounded, had two horses shot under him, and was in twenty-two actions. The next case to which he should call the attention of the House had reference to the 95th Regiment. In that regiment there was an officer named George Brown—not a very aristocratic name—who, rising from the ranks, received his ensigncy in 1851. He went as adjutant and lieutenant to Scutari, where he fell ill, but rejoined his regiment in the Crimea and was present at the battles of Alma, Balaklava, and Inkerman; he commanded fifty-two men, of whom twenty-four were either killed or wounded. The promotion of one of the captains to a majority having created a vacancy, Lord Raglan recommended Lieutenant Brown for promotion; but the vacancy was filled up by a gentleman from the half-pay list. Within eight days the newly-appointed captain retired, and then another officer was gazetted as captain instead of Lieutenant Brown, that officer being junior in service to Lieutenant Brown, who had been in the army for twenty-six years, having entered at fourteen years of age. He had had another communication, calling his attention to the case of Lieutenant Magnay, an officer of the 63rd Regiment. He was the senior lieutenant of the regiment. He had landed with the regiment in the Crimea, and had gone gallantly through the battles of the Alma and Inkerman; and yet, a company becoming vacant early in this year, his friends in this country having been written to from the Horse Guards to know if they intended to purchase the step for him, and, having refused to do any such thing, an officer from the half-pay list was gazetted instead of him, to the great dissatisfaction of the corps. The next case to which he should refer was that of a gentleman who had retired from the army in disgust, and who, in communicating his case to him, did so, as he stated, feeling it his bounden duty to come forward and expose the frightful evils to which the country was subject from the present pernicious system of promotion in the army. This officer was gazetted as an ensign to the 54th Regiment in 1829. In 1830 he joined his regiment in India, and shortly afterwards a vacancy occurred among the lieutenants, but though he was then senior ensign, not having interest at the Horse Guards, he was not allowed to purchase, but another officer, who had, purchased over his head. It was not until the year 1832 that he was allowed to purchase, having thus lost two years and five steps in consequence of this delay. In 1840 the regiment returned to England, when he was appointed adjutant, and in 1841 he became senior lieutenant. In that same year another lieutenant, who was willing to pay the bonus over and above the regulation price—which he was not—purchased over his head. [An hon. MEMBER: No, no; it could not happen.] As the hon. Gentleman seemed to doubt the statement, he would be happy to impart to any one in private the name of the officer. It was seventeen years before he obtained his company without purchase, never having had an opportunity during the whole of that time of purchasing his promotion at the regulation price. He finally retired from the service on the brevet of 1854, in which he was not included. There could be no doubt that the system of purchase was injurious to the service and unfair to the soldier; but what he most complained of was the practice of giving large sums above the regulation price. It was well known that officers were obliged to give considerable sums beyond the regulation price for their steps, otherwise they stopped the promotion in the regiment, and got the cold shoulder given to them, or else the remaining officers were obliged to club together to pay the difference. He would read to the House the opinion of Sir Archibald Alison with regard to the different systems pursued in the French and English armies. Just before describing the battle of Corunna, the historian instituted the following comparison of the condition of the two armies at the time—

> "In the French army, the system of promotion by merit, the certainty of advancement in rank which the consumption of life in battle afforded the survivors, at once kept alive that military ardour and insured the inestimable advantage of tried valour and skill in the officers of all grades on which the efficiency of an army in the field must at all times depend."

And he went on to speak of the English army thus—

> "In one important point the British army differed totally from the French—the officers, being taken from the higher classes, were separated from the soldiers by an almost impassable line."

Hon. Gentlemen, during a late discussion in that House, had stated that the present system of promotion by purchase was advantageous to the soldier promoted from the ranks, because it allowed him at once to convert into hard cash the reward which was given to him for long years' service; but he believed there was not a very great disposition on the part of the Horse Guards so readily to allow officers to realise. He knew of the case of an officer who had served twenty years in India and different parts abroad, and who, having had a fall from his horse in the discharge of his duty, fell ill and came home on sick leave. Feeling himself getting worse, he applied for leave to sell out, for he had embarked all the capital he possessed in the world to buy his way up, and his wife and family were thus dependent on his life for their subsistence, except so far as the miserable pittance allowed to widows of officers might be called a subsistence. His request, however, was refused, because it was known that his life was in that delicate state that he would soon die and his commission would fall in. This might seem almost incredible, but he was in possession of the officer's name and all the circumstances of the case. He came next to the favouritism displayed in the appointments in the army. Not long ago he had listened with great pleasure to the remarks of the hon. and gallant officer opposite (Colonel North) on the expediency of extending the capabilities of Sandhurst College. It was earnestly to be hoped that the Government would carry that into effect. What advantage was Sandhurst at present to an officer in the army? It was very little in his favour to have been educated at that institution. The officers of the staff ought to possess a thorough knowledge of their profession, and should be competent not only to convey verbal messages, but to see that the orders which the Commander in Chief gave were properly executed. The French system in this respect was very good; and the plan of having staff officers regularly trained and requiring them to undergo a certain degree of service in the cavalry and infantry, and also, if possible, in the engineer and artillery corps, might be advantageously introduced into our army. At present, the mode of promoting to the staff depended very much on the length of an officer's purse or on his affinity to the commander —a system not at all likely to secure efficient men for such appointments. Next, as to the medical staff, there had certainly been a great deficiency of medical skill in the Crimea. The proportion of medical men to the number of troops sent out had been exceedingly inadequate, and the consequence was that the surgeons had been positively worked to death and had perished with the sick and wounded, of a whole shipload of whom only one or two medical men had been left in charge. Now, the Government were appointing raw students, who had just passed their examination, to situations requiring the qualification of experience. A letter that he had seen from an officer at Scutari stated that men had been sent out there and intrusted with the care of gunshot wounds who were not competent to draw a tooth without a superior medical officer being present to see that they did not go wrong. With respect to the Commissariat, condemnation was, unfortunately, surperfluous—the whole system pursued by that department had broken down. The present Motion, however, did not call upon the House to affirm that certain appointments in the Crimea were either bad or good, it simply asked for a tribunal before which the entire question as to whether the present mode of promotion was just or unjust, beneficial or injurious to the public service, could be fairly and honestly investigated. Let Her Majesty's Government, and let hon. Gentlemen who possibly might soon have to report to their constituencies, have a care how they dealt with this proposition. This Motion did not merely ask them to acquiesce in the individual opinion of a private Member of that House, it only whispered what was being daily reiterated and re-echoed throughout the country? and unless our whole system of military administration was thoroughly revised and speedily reformed, the voice of the nation would ere long be heard in tones which neither that House nor the Government could safely neglect.

CAPTAIN SCOBELL, in seconding the Motion, said he could appeal with confidence to hon. Members, who might at first be disposed to oppose it, whether they could say, after calm consideration, that the time had not arrived when an alteration in the mode of granting promotion in the army ought to be made? The last subject they had been discussing, namely, relating to Poland—was an impracticable one, but this was a question of an entirely practical character—it involved no party feelings, and it might be dealt with by the Government, if it would only take it up, with the greatest benefit to the service. We had had a brave army in the East which had melted away from causes which all must deeply lament; and it was possible that in it there were officers who had been raised by means of the system of purchase into positions for which they were not sufficiently qualified by experience. At all events, many colonels and majors were juniors to the captains who served under them; and was it to be supposed that men of inexperience were fit to lead men of great experience? In seconding the Motion, he was actuated by no personal feeling. His object was not to condemn the past but to amend the future, and he hoped the Government would seriously consider whether some practical and beneficial result might not be obtained from an alteration of the present system of purchase. His hon. and gallant Friend (Major Reed) had quoted instances enough to show the injustice of the present system. It was in our power, he thought, to turn the unhappy disasters that had befallen our army to account, and, if they made us consider how we could best improve its executive and administrative system, we should reap no small advantage from our very misfortunes. Why, the very circumstance of the practice of buying and selling in the market commissions in Her Majesty's service, issued under her Royal sign manual, implied a public scandal; and it might be said that the Commander in Chief at the Horse Guards was the auctioneer in the odious traffic. Under this system many officers of influential families, or with a long purse at their command, were advanced more rapidly than meritorious men not so fortunately situated; and who would contend, for a moment, that that was a satisfactory state of things? The feeling which had sprung up in favour of army reform was not based on hostility towards the aristocracy. Men of the highest social position were cordially applauded when they rose by their merit. No one found fault with the promotion of the late Duke of Wellington, because it was felt that, though of high birth, he owed the distinction he acquired to his sword, and carved his way, from the earliest period of his service, by the display of the highest qualifications for command. An hon. and gallant Gentleman on the oppsite side said, that an alteration of the present system would be very hard on the officers who paid for their commissions, and that every colonel went into battle with 10,000*l*. about his neck; and that, if he fell, his family would lose this large sum of money as well as their natural protector? The system was one, therefore, that would not bear scrutiny. It could not, however, be changed in a day; the transition from it must be the work of years. Still, the Government might begin at once by declaring that from a certain date no officer should buy in, and, by a certain date, all who had purchased should be bought out. This would, no doubt, entail a considerable expense, but rather than that the existing practice should continue the country would be prepared to bear that expense. How different was our system from that of the ally side by side with whom we were fighting. Nothing could be better than the French system of promotion, which rewarded merit wherever it was to be found; and even the despotic Government of Russia had this advantage over us, that the ruler of that country could promote merit to the exclusion of demerit. Indeed, the very reason why we were now encountering so stout a resistance at Sebastopol was because the Russians, when they found that they had a bad general, immediately removed him. Again, what was the effect of purchase as applied to livings in the Church? Did they obtain better clergymen by allowing livings to be bought and sold? No doubt there were good men in the Church who bought their livings, as there were also gallant officers who purchased their commissions, but the money which they possessed did not make them either good or gallant. So with reference to lawyers and physicians—they were not applied to because they might be in the possession of 100,000*l*., but on account of their reputation and talent. It had, indeed, been said that they did not get better officers in the Commissariat, where commissions were not purchased, than in the other branches of the service where commissions were purchased; but were not the Commissariat appointments obtained through interest? Why did they not allow purchase in the Artillery and the Engineers? Because there they must have scientific talent, and that very much obliged them to adopt a different system in those two branches of the service to that which they pursued in regiments of the line and in the cavalry. He would tell the Government that this was a question which ought to be taken up, at once, by them. They ought not to allow themselves to be driven to it by the people. The Government should take the lead in gradually correcting these evils, instead of allowing the country to call for, perhaps, more army reform than was necessary. He would ask the Government who found the money to pay the forces? Why, the public; every man according to his means. To them, then, belonged the stations in the army. The Government were but the trustees to dispense this patronage, and if they gave appointments through favour, or affection, they betrayed their trust, and were answerable to the country. He had, before Christmas, moved a proposition relative to the institution of an order of merit, and the then leader of the House had favourably received it; but, on the question being put to the present leader of the House, the noble Lord had returned an answer by no means direct. He (Captain Scobell) saw no difficulty in instituting an order of merit, which would do more to stimulate the soldier than all the promises without performance which, he was sorry to say, he often heard on this side of the House. They had at present no order which could be given to officers in the army below the rank of major. Hon. and gallant Gentlemen opposite complained of the stinginess of the House of Commons, and said that was the reason why their army in the Crimea had been frittered away. But no blame attached to the House of Commons in that respect. The House of Commons granted 6,000,000*l.* for the army; and if, with that sum, the Government were not able to keep a small army in a state of efficiency, how could they do better with 12,000,000*l.* and double the number of men? It was sufficient for England to have the supreme command on one element. She could not expect to command on both. There were undoubtedly many feats of gallantry performed during the war in the Crimea, but there was only one brilliant but ill-judged manœuvre—that of Balaklava—executed under Lord Raglan's command in the Crimea; all the other engagements had been soldiers' battles. He would quote, in confirmation of his views, the opinion of a Gentleman who lately occupied a seat on the Treasury bench, but who, since he left that, had applied a key to his mind. The hon. Member for Kidderminster (Mr. Lowe), addressing his constituents, said, "The cankerworm which caused the failure of this campaign is the vice of public patronage." There was a great deal of selfish patronage in the army, but it was rampant in the navy. An hon. Member, who, although a soldier, filled the office of Secretary to the Admiralty, had compared the Horse Guards to a sink of corruption. He thought the Horse Guards and the Admiralty were one as bad as the other, as both of them treated merit with unfairness, and both of them required reform. The hon. Member for Kidderminster went on to say, "Our statesmen are not identified with the public interests." He hoped the noble Lord (Viscount Palmerston) would mark that. He knew there were secret influences which were holding him back, but he would not exemplify his usual courage if he shrunk from discharging the duty he owed to his country in this matter. The hon. Member for Kidderminster said, "This is a question for the constituencies. They must be content that their Members should cease to distribute Parliamentary patronage." As for himself, he never asked any favour from the Government for himself, or for any of his constituents. He received letters often asking him to do so, but his invariable answer was, that he could not be an independent Member of the House of Commons if he asked the Government for favours. The hon. Gentleman the Under Secretary for War had told them that a profit of 60,000*l.* had been made by the sale of commissions, but that was no way to make a profit—there ought to be no huckstering in commissions. He hoped hon. Gentlemen would not treat the present matter as a party question, but would take it up in a way that would be satisfactory to the country.

Motion made, and Question proposed—

"That a Select Committee be appointed, to inquire into the present mode of conferring appointments in the Army (by purchase or otherwise); to report on the same, and recommend a more efficient system for securing promotion to merit and long service."

Colonel HARCOURT said, that, as one who had been educated in the junior branch of the college of Sandhurst, and had passed twenty-five years in the service, he would beg to claim the indulgence of the House whilst he addressed himself for a few minutes to that part of the subject which related to the promotion of the non-commissioned officer to the rank of a commissioned officer. Before doing that, however, he would observe with regard to the system of promotion by purchase—and he was sure he should be borne out by every military officer who heard him—that it was that system alone which afforded a chance of promotion in the army. If they abolished the system of purchase, they would have ensigns arriving at the age of thirty or forty years before they got their promotion. This was the complaint made in the only two branches of the service in which the system of purchase was not adopted—namely, the Engineers and Artillery, who very justly stated that the excessive slowness of promotion in their case was such, that no man reached a rank of importance whilst he was at the age best fitted for the discharge of his duties. Moreover, if they abolished the system of promotion by purchase, they at once fell back upon the system so much decried by the hon. and gallant Member who spoke last—the system of patronage. How, then, were commissions to be disposed of? Were they to be given away? Would they establish a system of examination, and confer them upon those who passed it with success? He would presently show to those hon. Members who held that appointments should be made in the army only under a system of examination, how inconsistent that was with their desire that the non-commissioned officer and private should be promoted in the service. With regard to the promotion of non-commissioned officers in the army, he much regretted that upon the occasions on which this subject had hitherto been brought before the House, those who addressed themselves to it had, in his opinion, shown exceeding ignorance of the practical bearing of the subject. He feared the noble Lord (Viscount Goderich), and those who followed him into the lobby on a previous evening, thought that the question might be very conveniently used as political capital, and that their real object was not to promote the interest of the service. ["Hear, hear."] He (Colonel Harcourt) felt himself justified in holding that opinion; for whilst they proposed to pull down the present system, they did not propose to build up anything as a substitute in its place. It appeared to him most extraordinary that that system having raised this country to a state of glory, so far as its military prowess was concerned, such as hardly any other country in the world had attained, the present moment should have been the one selected to cast upon it blame. They should judge a tree by its fruits; and what had been the fruits of the system? Let them recur to the history of our military campaigns. Beginning with Corunna, and passing on to Busaco, Albuera, Salamanca, Vittoria, Orthes, Toulouse, and Waterloo; in all these actions we were pitted against our then brave foes and now gallant Allies, the French; and in every one of them, and a half dozen, or even a dozen, more he might name, we were invariably victorious. Pursuing that history still further, let them recall to mind the victories we had more recently achieved in India, in China, and at the Cape; and coming down to the present moment, let the House look to Alma, Balaklava, and Inkerman; and then ask itself if the existing system really could be so bad as it was represented by hon. Members opposite to be? It might, perhaps, be sufficient to make these references, in order to show that it was not; but he was anxious, by practical evidence, to refute the argument made use of on the other side of the House as to the injury that was done to the non-commissioned officer by not promoting him, and to establish the fact that such was the social position of the non-commissioned officer, and such the social inconvenience to himself which would ensue from his promotion, that that was not the most desirable mode of rewarding him. It was well known to the House that it was from the agricultural portion of the population that our best recruits were principally taken. They were the sinews of the country, not only in carrying on its agriculture, but for the supply of our military force. Of that there was no doubt; but, he would ask hon. Members, what was the amount of education they received? He would suppose that they received an average education at an average national school; but this was much too favourable a view to take as compared with the actual facts, for he held in his hand a return he had procured that morning from the regiment to which he had the honour to belong, of the number of men who during the last three years had passed under the hands of the schoolmaster sergeant, and by the existing regulations all recruits had to attend school until they had passed the period of preparatory drill; and according to this return, of 879 men who in the three years had passed through the schoolmaster sergeant's hands, 348 were unable to read or write, 120 could read only, and 411, or less than one-half, could both read and write. True, after they joined, they attended the school provided for them by the regiment; but did any hon. Member suppose that they could learn there more than to read and write, to work a sum in arithmetic, and commit to memory the names of the capitals of the principal States in the world and the chief rivers in Europe? Before a non-commissioned officer attained the rank of sergeant the promotion went necessarily by seniority, for he was till then an untried man, but after he became a sergeant it was the practice, and a very proper one, to select the best men for promotion to be drill sergeants and sergeant majors. The other night the noble Lord the Member for Huddersfield (Viscount Goderich), in allusion to the forty-two promotions of sergeants to be ensigns which the late Secretary at War had sent out to the Crimea, observed, in a taunting manner, that he supposed they were all sergeant majors; and the right hon. Gentleman (Mr. S. Herbert), in the course of his reply, defended himself against the statement, by saying that he could assure the noble Lord that there were only twelve or fourteen out of the whole number who were sergeant majors. Now, he (Colonel Harcourt) was astonished that the promotions were not all sergeant majors; for as the sergant major was the best man in the regiment; and, as in the Crimea, sergeant majors, drill sergeants, corporals, and privates, had alike proved themselves heroes, and equally brave and devoted to their country, if one commission only were given to a regiment, he would say let it be offered to the sergeant major. He willingly admitted that there might be special cases, such as that of Sergeant Sullivan, where the officer in command of a division might recommend a sergeant to especial notice, and under those circumstances he certainly thought he ought to be promoted; but that should have been in addition to what had been given to the regiment. At the same time he thought that the promotion on the recommendation of the general in command, of a non-commissioned officer who happened to be near his person in the field of battle would be a dangerous practice, because there might be other sergeants who did not come under his observation who might distinguish themselves equally well, but who, because they were not near the general, were not recommended for promotion in consideration of the services they performed. Thus a great deal of injustice might be inflicted; but under the circumstances of the case he confessed he regretted that the Government had not felt themselves authorised to grant promotion to Sergeant Sullivan. His next point was, that in time of peace sergeants could not arrive at the rank of sergeant majors under the age of from thirty to thirty-five. In illustration of this, he found that the three sergeant majors in the three battalions of Grenadier Guards on the 1st of February, 1854, were of the respective ages of thirty-four, thirty-six, and thirty-nine years; the first having enlisted when he was seventeen the second when twenty, and the third when eighteen. But in juxta-position with whom was it proposed to place these non-commissioned officers, who he had been obliged to show to the House could not be supposed to possess any great share of education? They might be men of great intelligence, as no doubt they were, or they would not be promoted to the positions they held. Well, at the age of thirty or thirty-five, one of these men was put in juxta-position with an ensign, who, under the system of purchase, was allowed to join the army at the age of seventeen or eighteen. Suppose the ensign joined at the age of seventeen, and that when he attained his eighteenth year the sergeant major of thirty or thirty-five was promoted, what was the result? That the ensign of eighteen, with one year's experience, was superior in standing to the sergeant major of thirty or thirty-five promoted to an ensigncy with ten or fifteen years' experience? Did they think it would conduce to the happiness of the sergeant major to find himself in juxtaposition with a person so much his junior in the service, but who was much better instructed than himself in everything that was necessary to form an able and efficient officer? Assuming that in reading, writing, and arithmetic they might be equal, the young ensigns would know something of geography, of history, of the classics, of languages, and would possess a variety of information absolutely necessary in the opinion of mankind towards the formation of an officer, and of the whole of which the sergeant major so promoted would doubtless be ignorant. There was another point which had considerable weight on his (Colonel Harcourt's) mind, and it bore especially upon the social position of the soldier. Now, it did not always happen that because the non-commissioned officer was a good and intelligent officer, the wife was, therefore, the "better half." He would not dwell upon this part of the subject, however; but it was an important point with regard to the man's social position; and if his wife could neither read nor write, surely to elevate her to the rank of a gentlewoman would be to confer rather an injury than a benefit. A short time since he (Colonel Harcourt) called upon an officer in his old regiment, whom he knew to be a valuable man, and one of whom the regiment had reason to be proud. He had risen from the ranks, and for forty years had been in the situation of quartermaster. He (Colonel Harcourt) said to him, "What do you think of the promotions they have been sending out to the Crimea, of sergeants to be ensigns? Do you think it will be satisfactory to the men?" "No," was the reply; "it will do them great injury, not only on account of the want of education, but because the pay is not sufficient, in the case of a married man, to enable him to support himself, his wife, and children. I know," he continued, "the case of a man who had a brother promoted to an ensigncy in the 71st Regiment, who, finding soon after his promotion that he was unable to maintain himself and family, actually died of a broken heart." In the case of the ensigncy recently sent out to the battalion of Grenadier Guards in the Crimea, whom did the House think it had been given to? To the sergeant major? No. To one of the drill sergeants? No. To the sergeant who had most distinguished himself in action? No. But to one of the junior sergeants in the battalion, because he was a single man, and those above him refused to accept it. The quartermasters are the only officers who, after thirty years' service, cannot retire on the full pay of their rank; they likewise would very much value, and they deserve, some distinction of rank. The quartermaster said, "I was 'Mister' forty years ago, and I am 'Mister' now." He (Colonel Harcourt) thought a brevet rank of lieutenant or captain might be given to these men for long service. They would take pride in it, and it would be an act of justice to them. It might be a very popular cry, "Promote men for meritorious service;" but, unless they could alter the character of that class of the population from which recruits were obtained, it must do them an injury with respect to their social position. Could any man believe that the inducements held out to persons entering the army at present were such that those who could get their livelihood in any other way would subject themselves to all the restrictions and discipline of the army, and pass through a service of sixteen years, upon the mere chance of obtaining an ensigncy, the pay of which would be insufficient to support themselves and their families? He perfectly agreed with the hon. and gallant Gentleman who spoke last as to the beneficial effects of an Order of Merit, to which a certain pension should be attached, for he was not one of those economists who wished to spare the pocket of the nation when, by so doing, he should inflict an injustice upon the army. He thought that an appropriate mode of rewarding merit would be to confer those inferior appointments in the Tower, which were in the gift of Lord Combermere, upon this class of men. No doubt that distinguished and gallant nobleman had followed the example of his predecessor, the Duke of Wellington, in this respect, but he (Colonel Harcourt) could not shut his eyes to the fact that, at present, it was open to him to confer appointments of that description upon his butler. There was another class of appointments with respect to which he spoke with great delicacy, because he had no wish to interfere with the patronage of the Crown, especially under such a Sovereign as we were now blessed with—he meant the appointments in the Yeomen of the Guard and the Gentlemen Pensioners, which were at present given to a class of persons called "esquires" in *The Gazette*, and who were not suited for such offices. Those were not situations which should be held by such men, and he would infinitely rather that the appointments to them should be made upon the recommendation of the Commander in Chief than upon that of Lord Foley. On a former evening an observation had been made in that House about our soldiers "fighting under the cold shade of the aristocracy." He denied that that was so. Could they forget the brilliant charge headed by Lord Cardigan at Balaklava? Did they not all remember how a gallant scion of the House of Percy distinguished himself at Inkerman, when fifty or sixty of his men becoming enveloped in a host of Russians, he rushed down the hill over which the enthusiasm of his soldiers had led them too far, and succeeded in rescuing and bringing them back? The owner of another aristocratic name, Colonel Cadogan, on the same occasion acted in a precisely similar manner. In the face of such facts as these, then, was it to be said, "that the soldier was fighting under the cold shade of the aristocracy?" He wondered that the blood of the noble Viscount had not mantled in his cheek with shame when he indulged in such an attack upon his own order. With regard to the

Motion before the House, he should certainly oppose it, because he did not consider a Committee a fitting tribunal for inquiring into the questions that would have to be submitted to it; and he urged upon the Government the propriety of appointing instead of a Commission, consisting partly of general officers and partly of Members of influence and station in that House, to take the whole matter into their consideration, and report to the Government and the House thereon.

Mr. ALCOCK said, that, as a general rule, when a death vacancy occurred in the army the senior of every rank was allowed to succeed to promotion without purchase. It might be supposed by those who had read the report of the Naval and Military Commission of 1840, that the same rule was followed in the navy. Such was not the case, however, of promotion, and it was absurd to talk of the system in the navy as being equivalent to that in case of death vacancies in the army. He denounced the Report of the Commission of 1840 as a mockery and delusion, and he declared that if the Government did not alter the system of promotion which obtained in the navy they would deserve to be opposed by every honest man in the country. In the Baltic fleet last year several death vacancies occurred. The first was Commander Anderson, of the *Cressy*. Sir Charles Napier gave the step to the fourth lieutenant of Admiral Chads' flag ship, a lieutenant of 1849, and placed him over the head of a lieutenant of 1842. When such things could be done, the Report of 1840 was, as he had previously asserted, a mockery and a sham.

Colonel LINDSAY said, that perhaps the system of purchase, if it had never yet been established, would not now be adopted in the British army; but it was one thing to abolish an old established system, and it was another thing altogether to create a new one. The system of purchase, which was now called in question, had been part and parcel of the British army almost ever since that army had been established. He did not make that remark for the purpose of maintaining that the system was a good one, but he did it to show that it was inherent in the very existence of the British army as it was constituted at the present moment. He thought the hon. and gallant Gentleman (Major Reed) in introducing this question to the House had not altogether shown very clearly in what manner he would substitute a new system in its place. He proposed to abolish the system now in existence, and the only system he proposed to put in its place was promotion by merit. [Major Reed: The Motion was to refer the subject to a Select Committee.] He was aware of that, but when such a Motion was made it was usual for the proposer to sketch the manner in which he would wish the subject to be dealt with, if he succeeded with his Motion. Now, what was the object which they all had in view? The object was the efficiency of the service of the State. How was that efficiency to be obtained? It was to be obtained in two ways. First, by getting young officers quickly put at the head of their regiments; and, secondly, by taking care that the poor officer should have a fair share of being brought forward in the rank of promotion. He would endeavour to show in what way the system of purchase was beneficial, not only to the State, but also to the army. It was beneficial to the State, inasmuch as the State saved a very considerable sum of money by the system of purchase. Although that was one argument, yet he did not mean to rely upon it. His reason was this—that if it could be shown that the system was a bad one, and demoralising to the army, he thought it the duty of the State to find money for the purpose of making a better system, and of improving the condition of the army. Therefore, although the State did save money by the system of purchase, he should not rely upon that as an argument. But that it brought young officers to the head of their regiments quickly, and encouraged promotion as rapidly as possible, he would shortly show to the House. It was a mere truism to say that the system of purchase naturally brought an officer to the head of his regiment. If they abolished that system, they must have a very largely increased list of retired full pay. The average service at which an officer arrived at the command of a regiment by the system of purchase was twenty-one years, or rather less. Now, what was asked was, if possible, to maintain that average, and, at the same time, to abolish the system of purchase? Therefore, if the system were abolished, it was evident that the retired full-pay list must be largely increased. He would state what was the number of officers of different ranks on full pay, in the year 1853, in the army, and what on retired full pay; and he would likewise state the number of officers of Artillery and Engineers on full pay in 1855, and what were on retired full pay. He took the year 1855 for the Artillery and Engineers, because in that year those bodies were increased, and he suspected it was not very likely they would be reduced again. In 1853 there were 248 lieutenant colonels in the army on full pay, and twenty-four lieutenant colonels on retired full pay; while in the Artillery, in 1855, there were only eighty-four lieutenant colonels on full pay, and there were forty-five lieutenant colonels on retired full pay. In the army in 1853 there were 247 majors on full pay and twenty-five on retired full pay. In the Artillery and Engineers there were no majors. In the army in 1853 there were 1,304 captains on full pay, and 114 on retired full pay; while in the Artillery there were, in 1855, 112 captains on full pay, and forty-five on retired full pay. Thus it was shown that in the army there was a large number of officers, with a comparatively small number on retired full pay; while in the Artillery there was a small number of officers, with a large number on retired full pay. Of the Engineers there were, in 1855, thirty-two lieutenant colonels on full pay, and twelve on retired full pay; sixty captains on full pay, and nineteen on retired full pay. The Commission which sat last year on the army and the Ordnance, stated that the charge for the retired full pay in the army for the present year was 44,103*l.*, and was to be increased to 80,000*l.* The charge for the retired full pay list of the Artillery and Engineers, with not more than one-twelfth part of the number of officers on full pay, was to be 48,000*l.*, being within 32,000*l.* of the whole sum appropriated for the same purpose to the army. This would show that, if there were a retired list for the army proportionate to the retired list of the Artillery and the Engineers, the non-effective vote that would be added to the Estimates would most materially increase the expenses of the State. But to revert again to the beneficial working of the system of purchase. It was evident that it must be beneficial to the army, for if you could infuse the energy and activity of youth into the service, by bringing officers in the vigour of life up to the head of their regiments, it was manifest that it must be beneficial to the army. And that it must be beneficial to the rich was equally manifest. But at the same time, he contended that the system of purchase was beneficial to the poor officer. And why? It was very easy to show that the system of purchase cleared the way for the poor man to arrive at the top of the list. Having by that means obtained his position, he received the first death vacancy that occurred in the next higher rank, and was promoted without purchase. Having served twenty years, he was afterwards enabled to sell his commission, which he had obtained without purchase. That officers did arrive quickly at the top of the list by means of the system of purchase might be shown in a few words, for during the year 1854 the average time that it took the poor officers to obtain their commissions and promotions, without purchase, was eleven years. It would appear, therefore, to be no great hardship that officers should gain promotion by purchase if such were the effect as to bring the poor men up so quickly to the top of their list. There was another manner in which the poor officer benefited. He could not afford to purchase, but he eventually got promotion without it; and upon his retirement the money he received for his commission put out at interest, available for his own purposes, and allowed the capital to accumulate for the benefit of his family at his death. If that advantage were taken away, it might be said that there would still be the retired full pay, and that that was an equivalent. But a poor officer, who was married, looked beyond his own life, and wished to leave something to his family. It was said, indeed, that these men came to the service knowing what the service was—that they were aware that purchase was the rule, and, though they might suffer in their feelings at seeing officers getting over their heads, yet they must be aware that, were it not for that system, they would have been double and quadruple the number of years in arriving at the same position which they had already attained. He thought the time selected for bringing this Motion forward was not a very promising one. One would almost think, from the debate a short time ago, and from what he had heard to-night, that purchase was so completely the rule that there was no exception to it. Now, non-purchase formed a very large exception. It was constantly occurring, not only in time of war, but in time of peace. In 1853—a fair year, because it was at a period before the war—there were seventeen lieutenant colonels promoted by purchase, and thirteen without; twenty majors were promoted by purchase, and twenty-two without; and there were 146 captains promoted by purchase, and 120 without. In the year 1854 fourteen lieutenant colonels were promoted by purchase, and forty-four without. The number of officers who obtained their majority was 125, of whom twenty-eight were promoted by purchase, and ninety-seven without; of those who obtained their captaincies, 168 obtained them by purchase, 394 without; and during that year the number of first commissions obtained by purchase was 358, to 437 obtained without. The statistics of the year 1855 also showed that the number of commissions obtained by purchase was less than the number obtained without, and it therefore appeared to be clear that promotion without purchase was not so very uncommon. In the year 1847 he had moved for a return of the number of non-commissioned officers promoted to commissions during the ten years from 1836 to 1846, and it appeared from that return that 376 had received commissions, of whom 245 had been promoted to cornetcies or ensigncies, and 131 had been made quartermasters, so that it appeared that during that interval the average number of non-commissioned officers promoted annually was thirty-four, and could it then be said that promotion from the ranks was a particularly uncommon occurrence? It was, on the contrary, evident that the system of purchase admitted of very large exceptions, and he himself was very glad that such was the case. The number of persons promoted to lieutenant colonelcies from the 1st of January 1840, to March, 1855, was 357, of whom 169 obtained their commissions by purchase, and 188 without; and out of the 169, ninety-three obtained their majorities, and fifty-seven their captaincies without purchase, so that the whole number of officers who had purchased all their steps was only forty-nine. Considering that a Commission had sat last year to investigate the subject of promotion in the army, he thought it highly inadvisable to disturb so much of the settlement of the question proposed by that Commission as related to purchase. That Commission had caused great hardship in the case of many of the older officers of the army, but it had established a new system after lieutenant colonels had increased the retired full pay list, and had strongly recommended the increase of the staff as a means of promotion and recompense. These would give greater opportunities for promotion than existed before, combining the action of promotion and non-purchase with all the advantages of the one, and none of the disadvantages of the other. With regard to the substitution of merit for promotion, he was as much alive to the necessity of calling merit into service as any one. He had, indeed, been long the advocate of a system of efficient examination; for he admitted that as yet that system had been nothing but humbug. The system at Sandhurst, for instance, was most inefficient; so much so, that he knew a man who had lived all his life in France, and who spoke French as well as a Frenchman, to be turned back because of a trifling grammatical mistake. But, at the same time, the question of merit was one of a most difficult nature to deal with. How was merit to be detected in time of peace? It was easy enough to detect it in a time of war, for it proved itself; but in a time of peace was a lieutenant colonel to be sent before a board for examination? Or for the lower examinations, how could it be decided upon an examination of half-a-dozen young men, who might all answer equally well the questions put to them, which was to be promoted on the ground of merit? Then the man promoted because of his apparent fitness might be, as was often the case, the man of all others least fitted for command. Promotion by merit was, however, by no means incompatible with the system of purchase. There was, in fact, no more difficulty in selecting men of merit from among those who might buy their commissions, than from those who might obtain them through the means of examination. He would, therefore, graft the system of merit upon the system of purchase, and by increasing the retired full pay list give room for the promotion of young and active officers to the head of regiments. The hon. and gallant Member who brought forward the question had mentioned the case of George Brown. Of that case he (Colonel Lindsay) knew nothing of his own knowledge; but he thought, assuming it to be the case as stated by the hon. and gallant officer, that this part of the system ought to be relaxed, and that death vacancies occurring on the field should be filled up by the senior officer, if he was qualified for it. If it was so, he thought it ought to be the last case of the kind that should happen. Under all the circumstances, he wished the House to pause before it interfered with the operation of the Commission of last year, or deprived the State, the army, and the poor officer of the advantages conferred upon them by the present system.

Colonel NORTH said, in reference to the case of Lieutenant George Brown, 95th Regiment, that thirty years ago, when he (Colonel North) joined the army, the father of that deserving young man was colour sergeant in the 11th Regiment. That most respectable man had given his sons the best education in his power, and he (Colonel North) was happy to say they all proved themselves most excellent and worthy men. He rose on the present occasion because he thought the remark of the hon. and gallant Member (Major Reed), in reference to this point, was unjust to Lord Hardinge and to the Horse Guards, when he set down the want of promotion of Lieutenant George Brown to the want of influence of that young man. Lieutenant George Brown, who had distinguished himself greatly at the battle of the Alma, was recommended for promotion by Lord Raglan, but, unfortunately, the recommendation arrived too late. Last week, however, Lieutenant George Brown's father brought him (Colonel North) a letter in which the fact was announced, and in the margin of that letter was a remark which did the greatest honour to Lord Raglan, who, it was untruly said, cared nothing for the sufferings of those under his command. In that letter Lord Raglan expressed the deepest regret that his recommendation had arrived too late to procure the promotion of this officer. Lord Hardinge had also expressed a similar regret; and he (Colonel North) felt confident that Lord Hardinge would take the earliest opportunity of carrying out that recommendation. The noble Lord (Viscount Goderich) who brought forward the question on a former night, spoke of the spirit of the army being depressed by the present system of promotion; but he (Colonel North) put it to the House whether there had ever been an army with a better spirit than that manifested by the British army? A great deal had been said of the French system of promotion; but the French had the conscription, in the first place, which brought young men of all classes into the ranks; and, in the second, the ranks of the French army were largely recruited from the students of the military schools, who might have failed to pass the severe examinations required for officers in the French service, or who, for some other cause, chose to enlist in the ranks. Very few officers in that army rose from the lowest ranks in point of fact. No doubt some were promoted for bravery and distinguished conduct in the field; but so, likewise, were men in the British army. Where, then, was the wide difference? The noble Viscount had said, also, that the bullet was the great leveller which created good feeling between the officers and men. He (Colonel North) believed that if there was ever good feeling between the officers and men—good feeling and mutual respect—it was in the English army. The greatest kindness was shown to the men by the officers, and the greatest attachment to the officers by the men. It was this feeling, and not the bullet, as was asserted by the noble Lord, that was the great leveller. With regard to the system of promotion by purchase, he (Colonel North) felt astonisned at the remark of the hon. and gallant Member for Westminster (Sir De Lacy Evans), that provided a man had 6,000*l.*, and was of sufficient age, he was certain to be placed at the head of a regiment. That was most unfair to Lord Hardinge and every Commander in Chief. If a civilian had said it, there would be nothing extraordinary in it; but the hon. and gallant Officer knew very well that there was a half-yearly inspection, and that the Commander in Chief was guided by the confidential report of the general officer made after the inspection of the regiment, and could not pass over an officer who was first for promotion and who was reported as fit for it by that general officer. If a man possessed 6,000*l.*, therefore, and was also fit for command, there was no reason why he should not be promoted by the Commander in Chief; but the fact of having the money would not insure him his promotion, if in other respects he was not fit for it. He (Colonel North) should not have risen but for the mention of the case of Lieutenant George Brown, that most worthy, distinguished, and excellent young officer, who it would give him the greatest pleasure to see gazetted to a company in the 95th Regiment. If, however, the question before the House came to a division he should give it a decided negative, not only from his own intimate conviction of its inutility, but also because of the strong arguments against the principle urged in the speech of the hon. Member for Lambeth (Mr. W. Williams) on a previous occasion.

Mr. W. WILLIAMS said, he had no recollection of having made such a speech. The hon. and gallant Gentleman (Colonel Lindsay) had given the House a list of promotions to the rank of Lieutenant Colonel, which seemed to show that there was a larger number of officers of that rank than could possibly be employed in the army. The hon. and gallant Member, however, did not mean to say that these promotions took place in a regiment as regimental promotions? [Colonel LINDSAY: Yes, I do.] With regard to recent promotions, it was perfectly well known that many of the staff officers were not under fire, and yet they were raised over the heads of the regimental officers who fought in the late actions. The hon. and gallant Gentleman opposite had not dealt at all with the Motion of his hon. and gallant Friend (Major Reed), who sought only a fair inquiry, either by a Commission or by a Committee. They had touched upon the promotion of non-commissioned officers to commissions, and he could perfectly understand their feeling in favour of the present system, as they were men of rank and station, connected with the aristocracy, with plenty of money to purchase every step they wished. But the country was dissatisfied with the system, and he was convinced some change must take place before they could make the army as efficient as it ought to be. Hon. Gentlemen spoke of the courage of men of high rank. No one disputed their courage. They were equal to other men, and other men were equal to them. They were all brave Englishmen together. But when allusion was made to Inkerman, that was generally admitted to be the battle of the private soldier, in which neither generalship nor the lead of officers was concerned. It was a fight of man to man, shoulder to shoulder, and was won by the bravery of our troops, which was never exceeded on any occasion. Reference had been made to the case of sergeant majors, who seldom attained that rank until they were thirty or thirty-five years of age. That was because no promotions took place; but if deserving sergeants were advanced they would have much younger sergeant majors, and the sergeant majors would eventually obtain commissions. The present system was actually a bar to the advancement from the ranks, except some great battles were fought, such as those in the Crimea, and unless the system were changed it would make the army unpopular. He wished to hear some explanation from the hon. and gallant Colonel as to the promotions he had quoted.

COLONEL LINDSAY said, he spoke in the first instance of various lieutenant colonels who became lieutenant colonels in 1853, in 1854, and in the first two months of the present year. In 1853 there were seventeen; in 1854, thirteen; and in 1855, two, by purchase, and a few less without purchase. All those officers were serving regimentally, except those who had unfortunately been killed. He spoke of a larger number—of 357, but they were promoted during the period from 1840 to the present time; speaking in round numbers, 160 being raised by purchase, and 190 without purchase; but the whole were promoted regimentally, in regiments, to the rank of lieutenant colonel, not one by brevet. With respect to the Guards, they paid 4,800*l.* for the rank of lieutenant colonel, as compared with 4,500*l.* for the same rank in the line, and he could assure the hon. Member in the numbers quoted there was not a single instance taken from the Guards.

COLONEL KNOX said, since the subject had been mooted by the hon. Member for Lambeth (Mr. W. Williams) he should for once be obliged to agree with him in respect to the promotion of the staff after the battle of Inkerman. Nothing could be more extraordinary than such a promotion, when it was very well known that not a single officer on the staff was engaged in that action. Nay, he could point out, if it were not invidious, that some of the officers promoted had not even been in action or under fire. He was informed that the return did not include the whole of the promotions. He knew not where it had been compiled, whether at the Horse Guards or elsewhere, but it was certainly not complete. With the exception of Colonel Claremont, who was with the French army, the Prince of Saxe Weimar, and Captain Estcourt, the number of officers who actually fought at Inkerman, and who were promoted, only amounted to twenty-five. If he left out the general officers, he found the number of staff officers promoted amounted to fifty-four. A statement like that, he considered, required no comment. There was one other circumstance which he could not pass over on account of its importance. He hoped in the remarks he was about to make that it might be clearly understood he was actuated by no unfair feeling to any class of officers—he wished to give every one that which was fairly his due. But the circumstances that were connected with the warrant issued after the commission of last year, involved such a monstrous piece of injustice that he felt it his duty to mention it to the House. In that warrant four very junior major generals received promotion for their services—they were made commanders of regiments. Now, with all due deference to the authorities who made this selection, he must say that it displayed great injustice towards many old officers who had served through the Peninsular war, and who had done their duty faithfully and honourably. These officers were put aside in order to give remuneration to the officers he referred to. Now, if it were intended to give officers a reward for distinguished services, he thought the best way would be to give a sum of money, for the question was really one of pounds, shillings, and pence, the pay of a general officer having a regiment being 1,000*l.* a year, and that of a major general only 400*l.* a year. It was this additional pay and promotion that old officers were looking forward to. And if it were determined to show favour to officers who had distinguished themselves in the Crimea, they ought to have been put on the increased pay list, and, when promoted to be general officers, this increased pay to cease. But, at all events, it was manifestly unjust to pass over officers who had served in every clime, and who had behaved in a meritorious manner under every circumstance. Such a course as that adopted was calculated to deprive them of their just rights, and in making these remarks he did not make them with any invidious feeling towards those distinguished officers who were recipients of the boon, but he made them in justice to meritorious officers who had been unfairly passed over. With respect to the Motion, he thought it would effect little practical good. The Motion was worded in such a way as to leave the Committee no option, and further, he must say that this was not the exact moment to press such a Motion; if, however, any step was to be taken, it ought to be taken by a Commission under the authority of the Crown rather than by a Committee of that House. He was not, however, very much enamoured of these Commissions, as the last Commission had not acted quite fairly in his opinion.

Mr. LAING said, that, if this Motion had been made this time last year, when the country was under the delusion that it had, if not a large army, at all events an army admirably adapted to the purposes in view, it would have been said, "the system of officering the army works well in practice, why should you disturb it for the sake of any theory?" But recent events in the Crimea, while they had proved the gallantry and courage of our officers and men to be even greater than had been believed last year, had also proved that the army, taken as a whole, as a great machine, was very far deficient in those qualities they had a right to expect. This was, therefore, a reason why inquiry at the present moment was peculiarly desirable. To a certain extent this was a money question, but at the present moment the people were prepared to make whatever pecuniary sacrifices might be necessary to put our army upon an effective footing. For nearly half a century back public opinion, in deference to the Duke of Wellington, was never for one moment brought to bear upon the constitution of our army, but now that events had forced the matter upon public attention, it was found that both the constitution and the officering of our army were repugnant to the principles of common sense, and that a thorough and comprehensive inquiry was needed, not into this or that branch of the subject, but into the whole system of officering the British army. The Motion of the noble Lord (Viscount Goderich) was negatived the other night, but it elicited some remarkable admissions, which established the position that a comprehensive inquiry ought to be made. In the first place, the noble Lord at the head of the Government said that, if the system of promotion by purchase were not now in existence, no man in his senses would think of introducing it into the army. The right hon. Gentleman, the late Secretary at War (Mr. S. Herbert), admitted that, though an educational test for commissions in the army might not be perfect, yet, as a choice of difficulties, it would be a better system than that which now existed. The hon. and gallant Member for Westminster (Sir De Lacy Evans), whose opinion was one of the highest authority, he having commanded not brigades merely, but independent armies, in two or three consecutive campaigns, also insisted upon the necessity of a change in our system. The authority of foreign countries was equally strong. He would not refer to France, but to countries which possessed an aristocracy and gentry more like our own, and where the armies were officered from these ranks. In these countries we did not find a system of purchase. In the Austrian army the officers were almost exclusively gentlemen. The Sardinian army had been found, during the war with Austria, in 1848–49, to be defective in its organisation, and the Government set to work to make it more efficient. The Sardinian Government appointed a Commission to examine the military system of all other countries, including our own. Did they thereupon adopt a system of purchase? No; they retained the system of looking to the nobility and gentry for the staple and basis of the officering of the army, and they superadded the promotion from the ranks of a certain limited number of non-commissioned officers. The Government of Sardinia also instituted an educational test of great stringency, as a criterion of fitness for such promotion. If they looked at the question apart from authority, it was found to be opposed to the plain broad principles of common sense. Let the House look to the practical working of the present system in the case of a man who adopted the army as a profession, and who looked to rise to the command of a regiment. Such a man must command a sum of 6,000*l.*, which he must be able to afford to invest in a speculation yielding no commercial return, besides running the risk of losing his whole capital by death and other contingencies, upon the occurrence of which he never got a penny of his money back again. The effect of such a system was to limit the army in a great degree to the wealthy classes of the community—to that class who could afford to spend 5,000*l.* or 6,000*l.* in buying their steps in rank. He knew of his own knowledge two young men, who, being at Sandhurst together, and passing satisfactory examinations, obtained commissions without purchase. One, whom he would call "A," passed a "very distinguished" examination, while "B" passed a "good" examination. "A" got his commission first. They both obtained promotion to a lieutenancy, through a death vacancy in the same order. "A" rose to the top of the list for captains, but he had not got the money to purchase. "B" had the requisite funds, and he got the step and rank of captain. In eight or ten years "B" attained to a high rank in the army, while the other, who had highly distinguished himself, remained a broken-hearted and disappointed man, lost to himself and lost to his profession. That was an instance of how the system worked. In the first place, it had the injurious effect of rendering the officers of the army amateurs instead of practical professional men. The majority of officers were men of wealth, position, and standing in the country, who took up the army as an agreeable profession, in which to spend a few years, and never looked upon their regiments as their home. When in the prime of life they sold out, because they married, came into large property, or had duties to discharge which required their presence elsewhere. He did not deny the extreme gallantry of our officers. If the whole business of warfare consisted in leading men to the charge, they would stand unequalled in the world; but the real business of warfare required something more, namely, a practical knowledge of the details and working of the system, such as feeding, clothing, hutting the men, and many other requisites. The experience of the past few months certainly led the country to believe that our army, though admirably officered as regarded gallantry, was deficient in other and most important respects. In other branches of life what were amateurs compared with professional men? What was the amateur jockey compared with the professional jockey? The man who made a profession his sole business, and studied all its details, was the man in whom the public would feel confidence. There was, however, a still more important point in which the present system stood in glaring contradiction to the common sense of the country. In all other professions and employments the one test of efficiency and success was promotion according to merit. In all the business concerns of life promotion by merit was the mainspring of excellence and efficiency, except in the service of the army. If a merchant, possessing a large establishment, were to attempt the purchase system in the appointment of his clerks, how long would it be before his name appeared in the *Gazette?* If a railway company adopted the same system in the appointment of servants to take charge of the express train, what length of time would elapse before a verdict of manslaughter would be returned against them? The mainspring of all the business affairs of life was a rigid system of promotion by merit, and the chances of a man rising by that means from the lowest to the highest position greatly conduced to the proper and efficient working of the system. In all professions except the army—even in what were called the genteel professions—for instance, the law and the church—promotion went by merit, and men were led to make the greatest exertions by the prospect of distinguishing themselves and of rising to eminent positions. A point of vital importance for consideration in this question was, how they were to get men for the army, and in order to obtain men, it was necessary to render the army popular rather than unpopular. At present, taking the opinion of the majority of the middle and working classes in respect to the army, could it be fairly said that the army was a popular institution among them? They did not come forward to enter Her Majesty's service with that readiness which was desirable; but, on the contrary, when a man found that his son had enlisted into the army, his uppermost feeling was one of sorrow, and almost of humiliation. It was not the case with the navy, nor with any other profession; but with regard to the army, it was felt that the man who had enlisted had thrown himself away, and that the position he had chosen was almost a degradation to him. Certainly that was a feeling which ought not to exist in the country, especially when education had, to a great extent, smoothed down and levelled those sharp distinctions which had formerly existed between different classes of society. In other branches of life instances were continually occurring of men advancing from a humble position to the upper ranks; but it was rarely the case in the army, though the letters which had recently been received from private soldiers in the Crimea evinced a gentlemanly feeling and a highly creditable state of education, and proved that a judicious and more liberal promotion from the ranks would inspire a praiseworthy emulation among the men and be highly advantageous to the service. It might be said that it would be difficult to find a substitute for the present system, but, though that might be a forcible argument to a Motion to abolish the system altogether, it hardly applied to a Motion which was limited merely to inquiry. The time was come when Government ought to take the matter up, and institute a general and comprehensive inquiry into the system of officering our army, when an attempt should be made to eradicate those evils and place our army on a more popular footing, a footing on which the military career might be open to talent, in which money would not be the sole test of capacity, by which the army might be composed of gentlemen, but of poor gentlemen, who would study it, attach themselves to it, and make themselves thorough practical officers. Combined with that they might have an amount of promotion from the ranks sufficient to render the army popular, and to throw open the career of arms to a larger class of the community than at present.

Lord LOVAINE said, he thought the hon. Member who had last spoken had made out no case for the destruction of a system which had produced an army that had beaten every army ever opposed to it in the field. He was not one of those who believed that such a body as the British army, composed of so many persons entertaining different ideas and opinions, could ever be compelled into anything like the unity of action which was induced by such systems as those adopted by mercantile or railway companies. He denied however, that there was any ground for the accusation of the hon. Member (Mr. Laing) that the officers of the British army were incapable of discharging their duty, he thought that accusation was most unwarranted. On the contrary, under circumstances of peculiar difficulty and danger, they had performed their duties in a manner which had elicited the general approbation of their country. He (Lord Lovaine) denied that it was the fault of the regimental officers of the British army that their men in the Crimea had not been properly fed and hutted. He knew that many of those officers had laboured with their own hands to feed, to clothe, and to assist their men. Not a word of complaint had been breathed against the regimental officers with regard to the state of affairs in the Crimea, but the mismanagement was attributed to officers who had passed the position in which they could be promoted by seniority, and who had attained a rank in which they could only be promoted by merit, or, in other words, by favour. The hon. Gentleman had said the officers of the English army were not fit to discharge the duty of company officers or commanders of regiments, because they were merely amateurs; but this was a most gratuitous assumption. Why did not British officers remain long in the army? Because they could not hope to attain a rank which would reward them for their services; and if the House abolished the system of purchase they would preclude officers from attaining any considerable rank in the army until they were utterly worn out and incapable of service. It was, however, impossible to please some hon. Gentlemen. On the one side it was said that promotion by purchase was an abominable system; on the other hand it was maintained that there must be young officers in the ranks; and it was useless to prove, as had been shown again and again by the hon. and gallant Member for Wigan (Colonel Lindsay), that unless the purchase system continued the junior rank of officers could not be kept in anything like a safe condition, but must be clogged with men who were unable to discharge their duties. The hon. Gentleman (Mr. Laing) had referred to the constitution of foreign armies; but he had omitted to mention that in all countries, except England, the armies were raised, as a rule, by the system of conscription. Men from every rank of life were forced into the service in foreign armies, and it followed as a necessary consequence, that the system of promotion in those armies was based upon a very different footing to that which existed in the British army. The hon. Gentleman, however, was probably not aware that the complaints with regard to the system of promotion in foreign armies were quite as general and as loud as in the British service. If the hon. Member visited the French army in the Crimea, and asked the soldiers what was their chance of promotion or decoration, they would reply, "A certain number of our men are promoted by seniority, but for every man promoted on that principle another is promoted by merit or by favour," and he (Lord Lovaine) could assure the hon. Member for Wick that merit and favour were so completely blended that it was extremely difficult to draw a line between them. The officers of the army in the Crimea, to whom blame had been attributed, were those who did not obtain promotion by the system of purchase, for they were officers of the Medical and Commissariat departments. "Oh," it was said, "no wonder the Commissariat has broken down, for the Government make the appointments, and they trust to their own nominees." But, would not the same complaint be made with respect to the army generally if all the promotions were in the hands of the Government? With regard to the medical department, he must say he thought it had been very severely handled. Doubtless that system had its defects, and the officers had allowed themselves to be tied up by regulations more closely than they ought to have done, but he could not forget the enormous labour and responsibility which had been suddenly thrown upon the department, and, if it had failed, it had certainly failed under circumstances of unparalleled difficulty. They had been told the army was unpopular, but he begged to remind the House that recruits had lately been entering the ranks of the army by hundreds, while the measures to obtain seamen for the naval service had not been so successful. When complaints were made of the inefficiency of the Commissariat, it should be remembered that that department had been almost annihilated by the parsimonious economy of late years, and that when officers were required for the Crimea, only one old man could be found who was at all acquainted with the routine duties of the service, the details of which were necessarily entrusted to new and inexperienced hands. It was unfair to compare the army of England with that of France or of Austria, because for the last eight-and-twenty years our army had not been on a warlike footing, or fighting on a foreign soil, as the armies of those countries had been. There was nothing more easy than to find fault, but it was rather difficult to act without fault, or to point out the proper remedy. The army was now exposed to circumstances of great difficulty, and whatever might be the desire of hon. Members to stand well with their constituents, he doubted whether at this moment, when the country was engaged in war, they ought to entertain a motion like the present. He should certainly vote against it.

Lord SEYMOUR said, he thought that if by chance any stranger should be in the House, he would be struck with the singular course which their debates had that night taken. They opened with a grand proposition to reconstitute the kingdom of Poland, and, in spite of the power of Austria, of Prussia, and of Russia, to re-establish that kingdom on its ancient limits; but after a few moments the House subsided into a more practical vein, and an hon. and gallant Member got up to address them who described our army as totally disorganised, as unfit for any purpose whatever, and requiring to be re-established *de novo*—there being in fact no army, in the right sense, at all. Now this certainly contrasted very curiously with the previous debate. The hon. and gallant officer (Major Reed) who brought forward this question, complained of the system of promotion in the army, and stated that all the errors in promotion arose from the system of purchase. If any one inquired rightly, however, he would find that the system of purchase had very little to do with the errors of which the hon. and gallant Member complained. He (Lord Seymour) had no preference for purchase, and if asked how he would constitute an army for the first time he should certainly not declare in favour of that system. But when we were told that we must do away with purchase, and have promotion by merit, he would ask hon. Members what was meant by merit; how were we to get at it; and who was to be the judge of merit? Was it to be the officer in the command of the army? There was lately a promotion of the staff, and we heard immediately that these were the very promotions that should not have been made. But who made them? The commander of the army, who ought to know best the merits of his officers. Then, was it to him the judgment of merit was to be left? Certainly not. Was it to the Government? He should like to see the unfortunate Government that would undertake promotion by merit. Why, every time a man was passed over we should have ten or a dozen Members rising in that House to defend an absent man, and the cause of a meritorious officer, whose merits had been overlooked by the Government, and his whole career in Canada, or some other of the Colonies, would be brought forward in justification of the complaint. Look again at the case of the navy. The promotions in the navy were for a time said to be by merit, and what stopped it? The influence of that House. The House of Commons interfered, and carried it in favour of seniority again. So would it ever be where there was a representative Government. It might have been easy enough for Napoleon, at the head of his army, to select men by merit. It was his interest to have the best men, and he had the eye and discrimination to choose them. But if they looked into his history, they would find that great difficulties beset him in his endeavours to give effect to the system. The jealousies and envyings of the different marshals led to many of his troubles in Spain, if not to the defeat of his power in that country. A most important question was, how were we to get at merit? In time of war it was difficult; but what was meant by merit in time of peace? The hon. Member for Wick (Mr. Laing) said we must have examinations; but by whom was a lieutenant colonel to be examined? How long would such a system last in this country? In the Commissariat there was no preferment till the attainments of a candidate were tested by trial and examination. There was a perfect system of probation and inquiry established, so as to make the selection of officers depend on the recorded merits and services of the past. The Chancellor of the Exchequer had the power of choosing the officers by merit, and he believed the duty was very impartially done; but in time of peace it was extremely difficult to choose on this principle. The noble Lord opposite had spoken of the unsatisfactory state of the Commissariat; but in time of peace how was it possible to distinguish those qualities that were required in war? When the Committee on the Army Estimates was sitting, Lord Raglan, then at the Horse Guards, told them that as for attempting to make a good Commissariat for war in time of peace, it was out of the question—it could not be done; and he believed that what Lord Raglan stated had been borne out by facts. They were told to look at the military system in France; but, if we adopted the French mode, we must also adopt a different system of retirement. We were told that the present system had totally failed, but he did not see that our officers had in any way failed. On the contrary, he thought that they had behaved admirably. It was said that at Inkerman there were no generals. If on the field of battle at Inkerman it was so dark that a man could not see four yards, there was not much room for generalship; but the question was, how did the officers perform their duty? He believed that they discharged their duties well, and that they fought most gallantly. In the Artillery there was no purchase, and that had been complained of as a great evil. They were told, moreover, that there was no branch of the army where officers so old and infirm remained fixed in the service. Yet it was proposed to adopt throughout the whole army that system which had been found to fail in the Artillery. The Duke of Wellington stated before the Commission that when he was Master General of the Ordnance in 1823, he allowed a certain number of officers to sell out, in order to get new blood into the service. To effect the improvement he desired, he was obliged to adopt that portion of the purchase system that consisted in sale, in order to get certain men removed from their places. He thought that before Gentlemen brought forward a subject of this kind they ought to read the evidence that had been published upon it, so as to enable them to deal with the first principles of the question. This was not a subject on which hon. Members should make mere declamatory speeches, but what was wanted was to deal with it as a practical question, and see what really could be done. He must say that he objected somewhat to that speech made a short time ago upon this subject by the hon. and gallant Member for Westminster. The hon. and gallant Member had commanded a division with great gallantry, and his conduct had met with the approval of every one in the country and in the army; but when he made that speech, he (Lord Seymour) could not help feeling that he was not listening to the general commanding a division, but to the Member for Westminster. The hon. and gallant Member's position as a representative appeared to interfere with the view which, as a military man, he otherwise would have taken. With regard to the Motion before the House, there was something of what might be called an Irish look about it; for it affirmed the very point which it called upon the proposed Committee to inquire into. Whatever might be the result of the inquiry, the Motion directed the Committee to recommend a more efficient system for securing promotion to merit and long service. Now, if the result was to be anticipated, the House might as well be spared the trouble of making another blue book and the labour of the inquiry. It was right that this subject should be brought forward and discussed, but he did not think that any ground had been laid for the appointment of a Committee.

Mr. LOWE said, he quite agreed with the noble Lord that this was eminently a practical question, and it was perfectly true that before any Gentleman presumed to address the House on it he ought to make himself acquainted with the documents to which the noble Lord had referred. He (Mr. Lowe) had done so, and therefore he took the liberty, with great humility as a civilian, to offer an opinion in the matter. After much careful examination, it appeared to him that the proposed Committee should be granted. In the first place, it appeared to him that the previous Commissions and Committees had all been held under circumstances very disadvantageous for a fair and impartial examination of the subject, because they were held under the overpowering influence of that illustrious man who then presided over the affairs of the army. It was quite clear to any one who examined the evidence given before the Commissions of which the Duke of Wellington was at the head that all the witnesses spoke as if appalled by the genius of the man before whom they spoke, and to whom they bowed with submission and deference. The witnesses did not take the trouble of addressing the Commission generally, but directed their evidence individually to the noble chairman, as if fully impressed with the necessity and duty of conforming to the opinions of the illustrious Wellington. To every question it was answered, "Your Grace knows this;" "My opinions coincide with your Grace's." That was the style in which most of the eminent military officers gave their evidence. Now that that great man was lost to the country—a great and irreparable loss—let the House see whether it might not obtain some compensation in having such a free inquiry as the overpowering eminence of his name and character previously prevented. There appeared to be ground for inquiry in the fact alone that there existed three several modes of promotion—by seniority, by purchase, and by favour. Those modes could not all be equally good, and therefore it was worth while knowing which was the best; and if it turned out that all three should be simultaneously employed, it seemed worth ascertaining whether they were all now employed in the right way. He maintained that there were peculiar merits and defects in each of those modes of promotion, and that it was now so contrived that they were all employed at the greatest disadvantage, whereby the good derivable from each was minimised and the evil maximised. The great merit of the system of seniority was, that whatever collateral evils it might carry with it, it did justice between man and man, as the circumstance of age was common to all. The defect was that the system, though fair to individuals, was fatal to the service. It created, instead of a list of men fitted to discharge the duties supposed to be annexed to their respective ranks, a mere pension list—a list of men whose title to receive pay was no indication of their capability to perform the duties annexed to their stations. Promotion by seniority had a tendency to make the service inefficient, and to encumber it with old and effete officers, who had outlived the power of discharging the duties for which they received pay. When, therefore, was the proper period at which the system of seniority ought to be applied? Obviously, when men were young, if at all—when even the seniors were not worn out. But that was not the practice. At present the system of seniority was banished from the junior ranks almost entirely, and applied to the senior ranks, all above lieutenant colonels being promoted by seniority. Therefore, the system of seniority was used at the very greatest mechanical disadvantage, where it produced most of the evil it was calculated to effect, instead of being applied where it would do the least. Then, with regard to the system of purchase—that had a good and an evil side also. The good was, that it enabled inefficient persons, or men having no taste for the profession of arms, to get out of it, and relieved the army of them. The system of purchase was not advocated as good in itself, but as being a corrective of the evils of the system of seniority; and the system of purchase, however defective in theory, was held as a relief in respect to the system of seniority, which would otherwise become intolerable. Consequently, the system of purchase should be applied when officers were growing old and effete, but, in practice, it was applied in exactly the reverse manner, when men were young and vigorous; and when they were growing old and exhausted, and would be likely to avail themselves of the system of purchase, then it was abandoned and the system of seniority was adopted. Then, there was the third system of promotion, by favour; in which there were also good and evil. The evil was, that the person who promoted by favour might appoint unworthy people; and the good was, that the system afforded the opportunity of promoting worthy people, whom routine would keep from rising. But the power of the Crown to promote men by favour had been restricted up to a recent period, till they were almost past the age for service, and no selection could avail, therefore he maintained that all the three different modes of promotions had been employed exactly at those times of life and periods of service when they were least likely to do good, and most likely to do mischief. All this was matter, therefore, for inquiry. He preferred to argue the question on abstract grounds rather than with reference to the conduct of the army; for if the question were argued on the latter ground it was likely to be swamped by general laudation, and the answer to all objections would be indiscriminate praise. He recapitulated the merits and demerits of the different modes of promotion, and observed that the system of purchase, though it afforded facilities for getting rid of inefficient men, had this evil with it—that, as it enabled men to leave the army, receiving back every farthing of money which they had paid for their commissions, it taught them to regard the profession not as one to which they must be attached for life, in fact not as a profession at all. Thus, though the British officers were, in intelligence and general education, perhaps superior to the officers of any other army, they were not so well educated in military science. With respect to their courage, that had been shown on a 100 fields, and brilliantly in the course of last year; but the effect of this system of purchase was that when the officers were called on to endure extraordinary hardships and misery, they, having once given proof of their courage in facing the enemy, felt a desire to retire from a profession, a retreat from which was always open, and that accounted for the numerous applications which they had heard had been preferred to Lord Raglan by officers for permission to leave the army in the Crimea under the melancholy circumstances of the recent campaign. Then, again, the notion of a commander in chief, or any other functionary, fixing the price of an article, without regard to and in defiance of the laws of demand and supply, was entirely contrary to every principle of political economy. But for an officer to give more than the fixed price was by the regulations declared a misdemeanor, so that an officer who rose in the service must do so by a series of misdemeanors, punishable by fine and imprisonmnet. It was said that commissions were never put up to auction; but while that might be strictly true in fact, he appealed to hon. and gallant Members to state whether, when there were three officers in a regiment open to purchase, it was not the practice for one of the three to give the other two a sum of money not to buy? Now, was that a proper mode of dealing with promotion in the army? The noble Lord who preceded him was exceedingly anxious that, where meritorious men could be found, they should be promoted from the ranks; but what was the use of promoting men from the ranks unless you gave them the full benefit of their profession? It was all very well for them to obtain such promotion in time of war, when advancement might be rapid, but in time of peace it was a mere mockery to tell the soldier you were opening a career of honour to him by raising him from the ranks, when the want of money closed his further promotion. If they wanted to make the army a professsion like law or medicine, they must hit upon some device, not merely for promoting the soldier from the ranks, but which should also make him feel that his first promotion might lead to indefinite promotion. It would be unnecessary for him to allude to the question of favour, for that was a thing universally condemned. Favour in theory generally meant merit, but he was afraid that in practice merit meant favour. He believed a remedy might be found for the evils complained of under the present system, which, though certainly expensive, would yet be worth all its cost. No cost, indeed, could be too great to enable this country, in the present state of the world, to maintain an army in a high state of efficiency. The introduction of steam had broken down our old defences, and to supply their place we must give to the army an organisation which would place it in a position to compete with the world. During the long time of peace we had sold, as it were, our sword and buckler, and we must buy them back at any price. The free institutions of this country forbade the adoption of the conscription of foreign nations, but we must have a system which would equal it in efficiency, and which would have as powerful effect on the will as that compulsory process. We must have a system, in fact, under which the private soldier, if properly educated and properly conducted, would have open to him, as in foreign armies, the prospect of rising to the highest honours of his profession. For her future defence England would have to trust to an army organised on some system of this kind—an army, moreover, no longer scattered over distant colonies where they were not needed, but concentrated in a compact phalanx at home, ready to meet any enemy who might menace her shores. Not to be a mere *dilettante* on this question, he had endeavoured to frame some specific plan by which the objects desired by all might be obtained. It appeared to him that up to the rank of captain there was no difficulty whatever, it was there that the pinch began; for, as there were only two majorities to every ten captaincies, eight captains of course were left to be disposed of. Up to the rank of captain he saw no objection to the system of promotion by seniority being adopted, provided that at each step every officer should undergo an examination sufficiently strict to satisfy the examiners, that he merited his promotion. After this rank he would suggest that all should be considered staff appointments, which should be, as now, in the patronage of the Commander in Chief, subject to this condition, that no appointment should be given to any officer who should not have been promoted for extraordinary gallantry, or who should not have passed such an examination as to satisfy the examiners that he was a fit person for such appointment. The board of examiners he would have sitting at stated periods, and any officer should have the privilege of presenting himself before it for examination. He did not mean to say that this system would of necessity create great commanders, but it would at least secure us from having officers placed on the quartermaster's staff who did not know a vertical from a horizontal line, or from having officers sent to act in concert with the French army who did not understand a word of French. It would prevent the possibility of inexperienced young men being placed in positions where the lives of hundreds might depend upon their capacities for duties with which they had never before had the slightest acquaintance, and secure our armies from being commanded by men altogether ignorant of their duties. He of course did not expect that great genius would be secured by that means; but he was firmly convinced the plan would insure talent and efficiency. It might not produce great generals, but it would provide able officers, and he certainly considered that it was worth the cost of trying. The adoption of a system of this description would of course necessitate the abandonment of the system of purchase for the future, and when officers at present in the army, who had purchased, desired to leave the service the country of course would have to buy their commissions from them. This, no doubt, would be a heavy expense, but if no other difficulty stood in the way, any number of millions, he believed, would be well spent by a rich country such as this, in organising an army to which it could implicitly trust for the defence of the immense wealth which it had amassed. It had been urged before, by the Duke of Wellington more particularly, and he had no doubt it would be urged again, that the present was an excellent system, because under it the country got the services of officers gratuitously. True, if we could always be sure of getting good service for nothing the system would be an excellent one, and the bargain a good one for the country, but was it in human nature that it should be so? Would any hon. Member in that House, engaged in mercantile pursuits, be willing to accept the services of a clerk who would work for nothing? The Duke of Wellington, in the memorandum which he laid before the Committee, so often referred to, put the case in this way;—the colonel of a cavalry regiment paid 6,115*l.*, the regulation price, (he really pays much more) for his commission—the interest on which, at 4 per cent, was 247*l.* per annum. His pay was 419*l.*—the difference between this sum and 247*l.* was 172*l.*, which was therefore the actual sum he received for his services. "Look what a good bargain this is for the country," said the illustrious Duke; but he (Mr. Lowe) on the contrary thought it a very bad bargain, and for this reason—the country paid—419*l.* a year to the colonel of cavalry for his services; but this sum was divided into two parts—the man in command, who did all the work, got 172*l.*; and the man who had sold out, who was out of the service altogether, and did no work at all, got 247*l.*, something like two-thirds of the money thus went to the non-effective part of the service, and the rest to the effective; and this was the way in which the greater part of the army was paid. 419*l.* was no great salary for a merchant's clerk, yet this was the sum we gave to a lieutenant-colonel; and indeed this scanty remuneration was subject to heavy deductions, so that, in fact, such an officer served the country gratuitously, and perhaps even at a pecuniary loss to himself. He had only one more remark to make. The noble Lord the Member for Totness (Lord Seymour) said that promotion by merit in this country was impossible—that Napoleon had promoted his officers on that principle, which might indeed be followed in foreign countries, but could not be adopted in England. Let them seriously consider what that statement, if true, amounted to. It amounted to this—that we were to fight with foils against men with sharp swords; that we were to fight by means of officers chosen, at best, by a happy accident, against an enemy who selected his officers by merit, and with the most earnest desire to secure the services of the best men that he could command. It amounted to this—that whereas a despot could have a perfect sympathy with the country he ruled over, the House of Commons, the representative chamber of a free country, and the Government which that chamber appointed, had no such sympathy with this nation; that whereas the Emperor Napoleon, or the Czar Nicholas, felt so keenly for the honour of his country that no considerations of family influence, or friendship, or favouritism were suffered for an instant to weigh with him, but were sacrificed without remorse to the paramount object of getting at the fittest men to lead his armies, the House of Commons of Great Britain, the chosen of the people, who were apt to boast of their intimate connection with their constituents, of a nearer and deeper sympathy with the feelings of the people than could possibly subsist between a despotic sovereign and his subject slaves, had so little sense of honour, so little sentiment of patriotism that, if a Minister, for the public good, for the welfare of the country, and perhaps for its very preservation, dared to break through the ties of family and the influences of personal friendship, they would place an insuperable obstacle in his way, and say that it should not be done—that England might perish, but commands in its army must continue to be jobbed or distributed by favouritism. This was not to be believed until the experiment had been tried and had failed. Until this had been done, nobody had a right to say that Representative Government was unable to cope with despotism in this respect. To what were we to trust for the preservation of the country from year to year, unless we resorted to the principle on which every man in this country conducted his private affairs, and which was adopted by those absolute Governments which we looked down upon? If we could not do that, then the question came to this, was England any longer to exist as an independent State, or should the House of Commons be swept away? And if driven to such a fearful alternative, he for one would be prepared to say—"Let England be independent, and let the House of Commons perish."

Colonel DUNNE said, he thought that the speech to which they had just listened showed that an hon. Member, as intelligent as the hon. Member for Kidderminster, yet unaccustomed to military details, might read blue books, and yet afterwards display considerable ignorance of the subject to which they referred. He had listened very attentively to the hon. Gentleman, but he was really unable to discover what his views were upon the subject. The hon. Gentleman (Mr. Lowe) had very freely and didactically criticised different modes of promotion in the army, and condemned every one of them in succession, but he had not vochsafed any explanation of his own views of how promotion should be conducted. The Committees of that House which had sat on questions relating to the army had not, as was alleged, been so much overruled by the influence of the late Duke of Wellington as by a spirit of false and fatal economy; and from the speeches that had been delivered that night it might reasonably be doubted whether the appointment of a Committee on promotion would do much for the future efficiency of the service. The regular practice in the army was, that if an officer was ready to pay the regulation price no man could be promoted over his head; and, therefore, the instance of hardship that had been adduced against the present system in the course of that discussion resolved themselves into mere accusations against the noble Lord at the head of the army in his administration of that system. No officer would defend the principle of purchase in the abstract, nor, if we were for the first time forming an army, introduce it into the system; but before it could be entirely done away with, the House must first make up their minds to vote large sums of money, in order to buy up existing interests, and also to pay the army as it ought to be paid, and it was not likely they would be disposed to do either the one or the other when the question came before them. No man could say he was sincere in his wish to abolish the system of purchase who was not prepared to vote at least twenty millions to remunerate vested interests. Why, at the present moment the Government were actually selling commissions on their own account, and yet nobody denounced it, because the proceeds brought a balance to the Exchequer, and tended to reduce the half-pay list. Well, now that was just the feeling which stood in the way of abolishing promotion by purchase; but still the fact was, the system was not to blame for our disasters in the Crimea, because, in spite of its many objections, it had produced good officers. They might talk as they pleased of applying commercial principles to the army, but it was a feeling of honour and a laudable thirst for glory which inspired the British soldier to advance to the cannon's mouth, and no mere sordid calculation whether he could thereby secure 400*l.* a year. What the army really complained of was, that officers were selected for the staff who were not qualified for it, and then promoted without possessing any peculiar merit. A return recently obtained showed that out of fifty-one promotions of captains forty-two were given to the staff. This was a substantial grievance which ought to be redressed. Our failures were not due to the existing system, but rather to the maladministration of the heads of the civil departments of the army, whose offices should be intrusted to competent military men, and then the system might be expected to work satisfactorily. If that change were made, he should be sorry to see the system of the French army substituted for our own. No other army in the world but the British would have endured so much suffering in the manner which our officers and men had done. The Government sent an army into the field without a Commissariat, or any of the other indispensable adjuncts, as if it would only have to go through a *promenade militaire*, and, when failure naturally resulted from such mismanagement, they turned round and made absurd and unjust complaints against the regimental officers. He was not opposed to reform in the army, but he did not believe, whatever hon. Members might say to the contrary, that the House, or even the country, would be willing, if put to the test, to vote 5,000,000*l.*, or some other large sum, which would be absolutely necessary, in order to effect an equitable abolition of the system of selling commissions.

VISCOUNT PALMERSTON: Sir, if every one of the seven sleepers, whose history we have read could have happened to wake up, after their many years' slumber, and, being ignorant of what is passing in Europe, had come suddenly into this House to be present at this debate, judging from the speeches we have heard, they would have gone away with the melancholy conviction that this country had sustained some great military disaster, and that we were on the point of being conquered by some great military power, and that this House, with Roman or even with Spartan fortitude, were deliberating in the midst of impending disasters, upon the best means to be adopted for saving the state from threatened destruction. But what, Sir, is the real state of things? Has our army sustained defeats in the field? Have our officers shown themselves unequal to the duties which they have had to perform? Have we, as represented by my hon. Friend the Member for Kidderminster (Mr. Lowe) found the people of this country unwilling to enlist themselves under the banner of their Sovereign to vindicate the honour of the country and to maintain the contest in which we are engaged? Looking at our army, we find that it has achieved as great success as at any former period of our history. Instead of finding the people of this country hang back and shrink from the engagement of the military service, there never was a time at which so many brave men have offered themselves to be enrolled in the ranks of our army. As far, therefore, as any change is demanded for the purpose of encouraging the people of this country to enlist, I say that no change is required, because the enlistment is going on with the utmost rapidity, and with the greatest possible success. But then it is said that the system which now exists is fatal to the army by depriving it of a proper supply of regimental officers, for it is in regimental organisation, be it observed, that this system of purchase and sale exists. Now, Sir, I undertake to say that there never was in the history of the world a set of men who so nobly and efficiently perform their duty as our regimental officers. What is the test of the good conduct of officers? Why it is, in the first place, to obtain the goodwill of their men—it is not only to share with their men in the dangers of the fight, but to endure with them all the privations and sufferings to which the service may expose them. Now, I ask, have our officers ever shrunk from their duty in the field of battle? Have they not led their men to victory in conquests in which more honour and glory have been reaped than almost ever fell to the fortune of arms on any former occasion? I say that the manner in which the men followed their officers, and the manner in which the officers led the men, proves that there existed between them a community and brotherhood of feeling which is the result of reciprocal confidence in each other, and which shows that the officers are worthy of the men, as the men are worthy of those who are placed at their head. Well then, have the officers shrunk from those sufferings and privations, which never were exceeded, and which probably have been seldom, if ever, equalled? Why, we know very well that the soldiers of the army in the Crimea, when asked about their own sufferings, have said, "Well, it is true we are suffering much, but our officers are sharing the same suffering with us—they are not so accustomed to hardships as we are, and while they are suffering without complaint, it is not for us to be murmuring at what we undergo." So far as the motion of the hon. and gallant gentleman (Major Reed) is founded upon the experience of what the army is, I think that the grounds on which he had attempted to place it, entirely fail. I admit, as I have done on a former occasion, that if we were planning an army for the first time, it is not likely that we should propose to establish it upon a system of purchase and of sale. But there it is; and even those who have endeavoured to point out the evils which they attribute to the system, have shrunk, when they came to the point, from suggesting the only way in which it could be got rid of. The hon. and gallant gentleman who has brought forward the subject seemed to me to steer studiously clear of making any suggestion as to what method should be adopted to amend what he conceives to be a vicious and inefficient system. But we all know that there is only one way of getting rid of it; and that is in the manner which has been suggested by others, namely, that the country should buy up the commissions which have been bought and paid for by the officers of the army. If the evils of the present system were so great and so pregnant in their consequences as to make it worth while to the country to incur that large expense, it might be done. But let not hon. Gentlemen go away with any erroneous impression that such a system can be put an end to without a great pecuniary sacrifice. Although the system is open to objection in point of principle, yet it is admitted by all, that practically it is not without some advantages. The system of promotion by seniority leads to a great accumulation, in the higher ranks of the service, of men who from age and infirmity are incapable of performing the duties which belong to their position. That is admitted to be a very great fault in those branches of our service in which seniority alone exists, and in which purchase and sale do not exist—in the Artillery and Engineers, for instance. Now, in the service in which there is no purchase and sale to remove those who are desirous of retiring, the only way in which accumulations can be prevented is by placing upon the retired list of pensioners to the State those officers who reach a certain age, and who it must be assumed from their age are no longer fit for active duty. That system was adopted in France. I believe that, in the French army, officers sixty-five years of age are placed on the retired list, and I remember hearing it said that when the regulation was proposed to Louis Philippe he observed that he would adopt it for the army, but he hoped that his Ministers would not advise him to pass a Royal Ordnance making that rule applicable to Kings. That system no doubt would, to some degree, exempt the principle of seniority from the disadvantage of loading the upper ranks in the army with a great number of men advanced in life; but, on the other hand, it would entail a considerable expense on the country, and would frequently deprive it of the service of men quite able to perform active and efficient duties. One great advantage which is represented as likely to accrue from the abolition of purchase and sale is, that men would be certain that promotion would go by merit. Now, in the navy there is no purchase and sale. In the navy, therefore, we might expect to hear that the system of promotion was free from any possibility of cavil and objection. But the moment the navy is mentioned, up get naval officers on both sides of the House and complain that promotions all go by favour, or affection, or interest—by every mode, in short, except by a due appreciation of the merits of the respective candidates. That, then, is the state to which the Motion of the hon. and gallant Gentleman would tend to bring the army. The fact is, that when you say that promotion should go by merit, nothing in the world is easier than to make such an assertion; but nothing in the world is more difficult than to carry such a system into practice. If you would establish a rule that promotion should go by stature—that no man should be promoted who did not stand six feet high—that promotion should go by physical qualities discernible by the eye—it would be easy in that case to establish a rule, and to ensure its most rigid execution. But what is merit? Merit is opinion—merit is the opinion which one man forms of another. Well, but the man with whom it may rest to exercise a judgment forms his opinion of the merits of the different candidates from the appointments which may be vacant; but his opinion is sure to be disputed by a great many disinterested judges, and certain to be denied by all the friends of the persons who are unsuccessful candidates on the occasion. Therefore, the idea that by any human system merit can ensure the selection of persons for appointments, civil or military, who shall be universally acknowledged to be appointed for merit alone, is a Utopia which it is perfectly vain for anybody to hope to see established in this or any country whatever. It is a great mistake to suppose that in the armies of the Continent no murmurs relative to promotion arise, and that no fault is found—that in the French army, the Austrian army, the Russian army, the Prussian army, every man is satisfied that every appointment is filled by the most deserving, and that there exist no complaints on the part of the unsuccessful candidates. If hon. Members labour under that impression, I can assure them that they are mistaken, and that there are as many complaints that favouritism and not merit leads to promotion as we hear in this House when these subjects are brought under discussion. I am much disposed to agree with my hon. Friend the Member for Kidderminster, who, reviewing the three systems by which promotion might take place—namely, purchase, seniority, and merit—seemed to condemn each and all. He seemed to make out that they were all vicious; and although he did not supply the thought, his argument tended to show that you ought to abolish all. What is to be substituted in their stead I do not know, unless he imagines that a combination of the three would by some chemical process neutralise the vicious propensities of each, and bring forth a neutral salt freed from the acid which appertains to each of these methods in a separate form. I believe the fact to be, that there is no such practical evil in our regimental system as to render it absolutely necessary for the country to make great sacrifices to get rid of it—that it could not be got rid of without great sacrifices—and all that I think desirable is, that we should lay the foundation for the more general instruction of our regimental officers in those staff duties which are not to be learned simply as a matter of form, but the knowledge of which is essentially necessary for the good conduct of operations in the field. When I deny that there has been any inefficiency on the part of the regimental officers, if I am asked to what I attribute those sufferings which have, in some degree, been endured by our army in the Crimea, I would rather not give my opinion on that point, but remind the House that there is a Committee now employed in investigating those very circumstances, and I must say I think the hon. and gallant Gentleman (Major Reed) would do better to wait for the report of that Committee, which, no doubt, will probe the matter to the bottom, and which will tell you, when they have finished their inquiries, the cause of those unfortunate mischances which have occasioned so much suffering—unnecessary suffering, in my opinion—to those gallant men who are now employed in the Crimea. I think the hon. and gallant Gentleman has not laid any sufficient ground to induce the House to adopt the course which he recommends. But I have a further objection to his course of proceeding. I think it is not in harmony with the proper principles of our constitution. After all is said and done, without meaning in the least degree to question the power of this House to take into its consideration any matters of public interest, I beg them to recollect that the command of the army is, by the constitution of the country, vested in the Crown, and not in the House of Commons. Now, Sir, the Motion of the hon. and gallant Gentleman seems to be founded on the assumption that the command of the army is vested in the House of Commons, and that a Committee of this House is a proper tribunal to consider matters purely regarding the practical administration of that army. I think we are very apt to lose sight in some degree of our proper and useful functions. I do not think there would be any advantage in appointing a Committee to take into consideration those questions connected with the interior economy of our army. I think that such inquiries ought to be made by a Commission emanating from the Crown and reporting to the Crown, which report might afterwards be communicated to the House of Commons for any purposes for which the House might require it. But I think this House is not the authority which ought properly to institute any inquiries of this kind. That being the opinion which I entertain on this subject, I certainly cannot consent to the Motion of the hon. and gallant Gentleman. The discussion which has taken place may be useful in pointing out to the Government certain matters for consideration. I can assure the House that Her Majesty's Government will be always glad to hear suggestions, and will anxiously desire to profit by them, as far as they can do so consistently with the public advantage. But with that reservation I must certainly give my opposition to the Motion of the hon. and gallant Gentleman.

Mr. RICH said, the hon. and gallant Gentleman who brought forward the Motion included in it a recommendation that the Committee should recommend a more efficient system of patronage. He was inclined to vote for the first part of the Motion, but he would suggest to the hon. and gallant Gentleman that it would be better to omit the latter. At the same time he must observe that he had listened in vain for any reason for the maintenance of the present system. If the system of purchase were applied to the Church, it would be called simony; if to the civil Government, it would be termed corruption; and if to the bench, venality. Why, then, should they apply it to the army? An hon. Gentleman had spoken of the difficulty of discovering merit. If that were a good argument, why not extend it to all the services of the State? He denied that the present system gave them young generals. At the commencement of the war the average age of the lieutenant-colonels was forty-seven years and a half.

Mr. P. O'BRIEN said, that, although he did not pretend to know much of military matters, still he knew that the expenses of an infantry or cavalry mess were such as to make it a great hardship, in the present state of things, for any sergeant from the ranks to be promoted to the position of a commissioned officer. This, he thought, that at least it formed a fitting subject for inquiry by a Select Committee, and the House ought not, therefore, to refuse the Motion. At the present time there was before the country the great and glaring fact of the want of an efficient system of promotion in the army, and the hon. and gallant Member who had proposed the appointment of a Committee to inquire into that subject was well deserving the support and sympathy of the House.

Major REED said, all the opposition to the Motion had been hung on the late Motion of the noble Lord the Member for Huddersfield (Viscount Goderich), against promotion by purchase. That was not his (Major Reed's) Motion. He only said that the system of promotion by purchase was unfair to the soldier. Some hon. Gentlemen said he had offered no alternative. He could only say that he was not presumptuous enough to stand there, as one of the youngest Members of the House, and with his small military experience, to say that such a system was bad, and that they ought to adopt some other system. All he said was, let the House appoint a Committee, and let the Committee have before them men of experience, and let them report to the House. He regretted that he had not had the honour of being supported by Her Majesty's Government; but there was one satisfaction, it was a thing he could survive. He should be happy to give way to the suggestion of the hon. Member for Richmond (Mr. Rich), and would withdraw the latter part of the Resolution, directing the Committee to recommend a more efficient system.

Original Motion, by leave, *withdrawn.*

Motion made, and Question put,

"That a Select Committee be appointed to inquire into the present mode of conferring Appointments in the Army (by purchase or otherwise); and to report on the same."

The House *divided:*—Ayes 70; Noes 104: Majority 34.

CHINA TRADE.

MR. HORSFALL said, that in bringing forward the Motion of which he had given notice, he had no desire to ask for any papers the production of which would be detrimental to the public service; nor did he wish to say one word against the present Government or against the noble Lord at the head of the Foreign Department, to whose ability and attention he bore ready testimony. The question of our trade with China, however, was one of the greatest importance not only to the merchants of Liverpool and Manchester, as well as the metropolis, but to the whole consuming population of this country; and it was particularly so at a time when the necessities of the State had induced the Government to arrest the operations of the Act for the reduction of the duty upon tea. He must ask the House to go back with him to the year 1851, when certain disturbances occurred in China, and our Consul at Shanghai took upon himself to interfere in the collection of the Customs' revenue. At that time the merchants, both in China and England, remonstrated with the noble Lord the then Foreign Minister, who immediately acted with his accustomed promptitude, and issued orders to the effect that the British Consul should no longer do that for the Emperor of China which the Emperor's own servants would not do for him, and, in fact, that consular interference in the collection of Customs should not be permitted to continue. Those instructions would be found in the following letter:—

(*Copy.*)

"Foreign Office, June 18th, 1851.

"Sir—I am directed by Viscount Palmerston to acquaint you in reply to your letter of this day's date, that Sir George Bonham was instructed by the Mail of last month to state to the Chinese High Commissioner, that as the Chinese authorities will not do their duty in preventing the Emperor of China from being defrauded of his just dues, the British Government can no longer order her Majesty's Consuls to do that for the Emperor of China, which the Emperor's own servants do not deem it necessary to do for Him; and that consequently all interference on the part of the British Consular Authorities for the protection of the Chinese Revenue, will for the future be withheld. Sir George Bonham was further instructed to make such arrangements as might appear to him to be sufficient for carrying out the intentions of Her Majesty's Government in this respect.—I am, Sir, your most obedient humble servant,

(Signed) "H. U. ADDINGTON."

It was, consequently, natural to suppose that instructions so clear and precise would be effectual; but, in September, 1853, grievances again broke out, and Mr. Alcock again resorted to the plan of collecting revenue for the Chinese authorities; Sir George Bonham, our Superintendent at Hong Kong, disapproved of consular interference, and referred the matter to the Home Government. On the 3rd of February the Chinese collector of revenue returned to Shanghai, with a distinct understanding that all nations were to be placed on the same footing, and it was settled that the duty should be paid upon the express condition that everybody should be treated alike. But this was not acted upon by the Chinese authorities, for, while the British merchants were giving bonds as securities for the payment of duties, the merchants of other nations were not required to do so. The British merchants protested against this, and claimed to be put upon the same footing as others were. While the American Consul declared Shanghai to be a free port, the British Consul exacted a bond from the British merchants as a security for the amount of the duty. Sir George Bonham disapproved of this also, and the matter was again referred home. On the 13th of April, Sir John Bowring arrived in China. His first act was to establish Consular Courts to decide upon the very questions which he knew had been referred home by Sir George Bonham for the decision of the British Government. The British merchants immediately protested against this proceeding. Sir John Bowring did not attempt to conceal that he knew that this matter had been referred home, for, in his reply to the protest of the British merchants, he admitted it, at the same time stating that he conceived the responsibility of allowing the Consular Courts to be accessible to the Chinese authorities for the recovery of duties rested wholly upon himself. Here then arose a difference of opinion between Her Majesty's Government at home and Her Majesty's representative at Shanghai. The noble Lord at the head of the Foreign Department considered that the decision rested with the Home Government, and Sir John Bowring considered that it rested with him. The question at issue therefore was, whether the British Government would submit to Sir John Bowring's opinion, or whether he should be required to submit to the decision of Her Majesty's Government? On the 6th of June, 1854, Mr. Hammond wrote to the Liverpool Association, to the effect—

"Foreign Office, 6th June, 1854.

"To the Chairman of the Liverpool East India and China Association.

"Sir,—I am directed by the Earl of Clarendon to acknowledge the receipt of your Letter of 25th ultimo, and I am to state to you in reply, for the information of the Liverpool East India and China Association, that as Sir George Bonham is expected to arrive in England in the course of the present month, His Lordship thinks it desirable to postpone any decision, in regard to the question of the securities taken for Duties at Shanghae during the time that the Chinese Custom-house was in abeyance, until he shall have had an opportunity of personally communicating with Sir George Bonham.

"Her Majesty's Government will come to a decision on the subject as soon as Sir George Bonham returns to this country; and Lord Clarendon conceives that the arrangement which will be finally arrived at by the adoption of this course, even though it may occasion some slight delay in forwarding instructions to Sir John Bowring, will probably be more satisfactory than one made without the benefit of previous consultation with Sir George Bonham.—I have the honour to be, Sir, your obedient servant,

"E. HAMMOND."

And on the 4th of July, 1854, Mr. Hammond wrote to the Association of Merchants at Liverpool, as follows:—

"Foreign Office, July 4, 1854.

"Sir,—With reference to the correspondence which has passed between you and this office respecting the securities taken by Her Majesty's Consuls at Shanghae for duties which, in consequence of the state of affairs at that port, the Chinese authorities were themselves unable to collect, I am directed by the Earl of Clarendon to acquaint you that, after communication with Sir George Bonham and upon a full consideration of the question in all its bearings, Her Majesty's Government have decided that those securities shall be cancelled and returned to the parties by whom they were given, and instructions to that effect will be sent by the next mail to Her Majesty's Plenipotentiary and Chief Superintendent of British Trade in India.—I am, &c.,

"E. HAMMOND."

Now, presuming that instructions had been sent out in accordance with Lord Clarendon's promise which he had no right to doubt; what he wished to know on behalf of the British merchants in China, and of the merchants in this country interested in the China trade, was, why the bonds taken between the 9th of February and the 12th of July last had not been cancelled by Sir John Bowring in obedience to those instructions? He could conceive no answer to that question, except that Sir John Bowring was now exercising his own discretion in opposition to the discretion and instructions of Her Majesty's Government. All he desired was, that the British merchants should be placed on the same footing in this matter as the American merchants, so that the trade of this country with China might suffer no disadvantage. What the mercantile community required and what he thought it had a right to ask was, the cancelment of all bonds taken both before and after the 9th February; the nonintervention of British officials in the collection of the Chinese revenue, and the strict fulfilment of the treaty, that British subjects should be placed upon the same commercial footing as the subjects of other countries.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of all Instructions having reference to Trade, sent out by Her Majesty's Government to Her Majesty's Superintendent of Trade in China, subsequent to the 1st day of February 1854; also, of the Correspondence subsequent to that date, between Her Majesty's Government and Her Majesty's Superintendent of Trade, having reference to British Trade in China, up to the present time."

VISCOUNT PALMERSTON said, the House might have collected from the statement of the hon. Gentleman that this was a question of a very complicated nature, involving a great variety of communications and transactions, in which the Chinese and other Governments, as well as Her Majesty's Government, were concerned. The correspondence was still going on, and, as he had already stated, in answer to the question put to him by the late hon. Member for Liverpool, (Mr. Liddell) Sir John Bowring had been called on to make a full Report in regard to those bonds, and in regard to the circumstances under which they were to be cancelled. Until that Report should be received, it was impossible for the Government to determine exactly what course they should pursue, and no advantage could be derived from an inquiry. Whenever that Report should be received, he was quite sure that his noble Friend at the head of the Foreign Office would give his careful attention to the matter, bearing in mind the duty which he owed to the British commercial interests and the just claims of the merchants engaged in the Chinese trade. Under these circumstances he trusted the hon. Gentleman would acquiesce in, at all events, postponing his Motion.

Motion, by leave, *withdrawn.*

SUPPLY.

On the bringing up the Report of the Committee of Supply.

Mr. MACARTNEY said, he must complain of the manner in which the Civil Service Estimates had been hurried through on the previous evening. It had been his purpose to direct attention to a certain portion of those Estimates, but happening to have left his place for a short time, in order to hold a conversation with the right hon. Gentleman the Secretary for Ireland, he found on his return that they had been disposed of. Now; he considered it a matter of reproach to the House that Estimates involving the outlay of a sum of nearly 4,000,000*l.* of money should have been so summarily disposed of, without the subject undergoing any test of discussion, and without due notice having been given that it was the intention of the Government to have forced them through at so late an hour of the night.

Mr. WILSON said, he must defend the conduct of the Treasury bench, for the exigencies of the public service required that the estimates should be passed as rapidly as possible. After the 31st of March no authority would be possessed by the Treasury to defray the salaries of the civil servants of the Crown; and it became, therefore, of the last importance that not a moment should be lost in passing these Estimates—the more especially if the House hoped to adjourn on Friday next.

Mr. MICHELL said, he thought the hon. Member (Mr. Macartney) perfectly warranted in complaining. He had himself intended calling attention to the way in which the subordinate clerks in the Custom House were treated, but such was the hurried manner in which these four votes were passed, that no one could inform him what was doing in the House at the time.

Mr. THOMSON HANKEY said, that the average salaries of the class of clerks especially referred to in the Report of Sir Charles Trevelyan did not amount to more than 150*l.*, or, according to another account, 141*l.* a year, and, when you deducted the income tax and superannuation allowance, their salaries were reduced to between 120*l.* and 130*l.* a year. The Report to which he alluded stated that these persons performed inadequately the duties intrusted to them, but he wished it had also pointed out the exceeding inadequacy of their salaries. He thought the civil servants had been and were unjustly treated, and the Government ought to give the subject their best consideration.

Sir HENRY WILLOUGHBY said, he was quite ready to admit that the hon. Gentleman opposite (Mr. Wilson) had a difficulty to encounter in this matter. Still he would ask what was the value of the privilege which had been conceded by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) when Chancellor of the Exchequer, and which enabled the House of Commons to criticise Estimates involving nearly 4,000,000*l.* of money, if they were to be thus disposed of. Last year these very Estimates were passed a few minutes before six o'clock on a Wednesday, all discussion therefore upon that occasion also was precluded, nor could any course be more calculated to bring the House of Commons into contempt than that which had been pursued on the subject of these Estimates; and let them then remember there were persons out of doors who watched their proceedings narrowly. Although he admitted the hon. Gentleman to be in some difficulty on the other point, if the public exigencies were so great, Government ought to have made timely provision. This year he believed the Estimate on account of the inland revenue exceeded that of last year, and he was extremely anxious therefore to have obtained some explanation on the matter.

All he could say now was that he trusted the House would secure itself for the future against a similar surprise.

VISCOUNT PALMERSTON said, he was in the House at the time the Votes were taken, and it was by no means empty. Notice had been given, and any Member who wished to make observations upon the Votes would have done better to remain in his place. He advised the hon. Member for Bodmin (Mr. Michell), if, on any future occasion, he could not understand or make out by his own ears what was going on, to ask the chairman what was the question.

COLONEL DUNNE said, he, also must complain that the Votes for the Irish Post Office had been taken out of their turn, because these Votes would lead to discussion.

Resolutions *agreed to.*

The House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Wednesday, March 28, 1855.

MINUTES.] PUBLIC BILLS.—1° Education (Scotland).

2° Convention with Sardinia; Ecclesiastical Property (Ireland); Bills of Exchange; Bills of Exchange and Promissory Notes.

BILLS OF EXCHANGE BILL.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. VANCE in rising to move that the Bill be read a second time that day six months, said, that the measure affected not only merchants and persons connected with commerce, but professional men, country gentlemen, and all who in any way might become parties to a bill of exchange. He believed he should be able to show that the present measure would interfere with the general circulation of bills of exchange, which were the lifeblood of commerce; and also that it was calculated to prevent the fair division of the estates of insolvent debtors and interfere with the jurisdiction of the Irish courts; and that while on the one hand the provisions of the Bill might be used by the fraudulent debtor for the most dishonest purposes, they might on the other be resorted to as a measure of oppression against the willing and honest man. The Bill enacted that a registration office should be established for dishonoured bills of exchange, and that on notice of dishonour being served upon the persons who were parties to them immediate execution might, with leave of the judge, be issued against their effects. Now, by recent law reforms, judgment could be got in an undefended action upon a simple contract debt, in eight days; but in order to prevent undue preference, execution upon such judgment was stayed eight days more—making in the whole sixteen days—so that in the meantime a fiat in bankruptcy could be sued out, with a view to the fair division of the estate among the general body of the creditors. If however, the present Bill were passed, the holders of bills of exchange would have great advantages over other creditors, and there would be no kind of security against fraudulent preference. It had never been contended that a bill of exchange was anything more than a simple contract, and it was so stated by Mr. Chitty, in his work on *Bills of Exchange,* who defined it to be a simple contract, affected by the Statute of Limitations, and stated that it was used among merchants to avoid the necessity of transmitting money. Nothing more plainly proved, that this was the view the law took, than the fact that foreign bills of exchange may be accepted by a separate document, and not on the face of the bill itself. The 25th clause of this bill interfered with the jurisdiction of the Irish courts. It enabled a creditor who happened to hold a bill of exchange to which any person in Ireland was a party, whether as drawer, acceptor or endorser, to serve such party with a notice issued from a court in this county, and eventually to sue out execution against him. Hitherto the Irish traders had been very properly sued in Ireland, and this was the first time that the barrier between the two countries, with respect to legal arrangements, had been attempted to be broken down. Another clause of the bill inflicted great hardship on Irish debtors, by rendering it necessary for persons living at a distance to give security for costs or lodge the entire amount of the debt in the court, which in many cases might be attended with great inconvenience. A great deal had been said about frivolous defences being made to actions on bills of exchange. He assured the House that after having been for many years engaged in commercial transactions, and having had a great number of bills passed through his hands, he had never known a case, in which the bill of exchange was the result of a fair mercantile transaction, where a frivolous defence had been made; though it was likely enough that in the case of Jew bill-discounters, who gave nothing like full value for the bills, any sort of defence might be set up. He had analysed the petitions in favour of this Bill, and found nearly all of them were from Scotland, where a somewhat similar system of law had prevailed for many years; and he must say he saw no grounds for endeavouring to import Scotch law into this country;—they had avowedly a bad bankruptcy law, which the Lord Advocate had given notice of a Bill to amend and assimilate to the English practice. This measure was the production, he believed, of a noble Lord in the other House, who had not been at all fortunate in his commercial reforms, as instanced in the complete failure of the bankruptcy law introduced by him; and, considering that the present would be unproductive of every kind of benefit, he should oppose it to the fullest extent of his power.

Mr. MUNTZ said, that he should have great pleasure in seconding the Motion of the hon. Member for Dublin. This was the same Bill that had been postponed last year for very obvious reasons; and no alteration had been made in the measure since that time; he had taken great pains in inquiring from all persons connected with commercial operations what their opinions were as to its character and effect; and the universal reply he had received was, that there was not the slightest necessity for the measure, the law as it stood at present being amply sufficient for all purposes of justice, and that a great deal more evil would be done to society by this measure than by letting the law remain as it is. Could anybody doubt that if the present measure passed, great injustice would be done to the endorser of bills? He would admit that the acceptor and drawer of a bill were bound to take care that it was duly provided for, but the position of an endorser was different. A man engaged in large transactions might endorse bills to the extent of 50,000*l.* or upwards, all of a *bonâ fide* character, which in consequence of a great pressure or panic might be returned on his hands in a few days, and, although perfectly solvent at the time, he might, if the holders were allowed to turn round on him, in eight days be as effectually ruined as if he did not possess a farthing; for, when a man was forced into the Bankruptcy Court, however great his assets might be, and however large the surplus, the estate was so frittered away, that on a division of the assets they were sure to be insufficient to meet all the claims. Why should the holder of a bill of exchange have this preference? What was it but an acknowledgment of a debt that was not yet due? It was said that there were frivolous and vexatious defences to bills; so there might be, but were there no frivolous and vexatious defences to actions of another character? If they wished to meet that evil, the better way would be to deal with it in a separate form. At present, claimants upon bills possessed two great advantages—first the easy proof of the debt, and, secondly, that it bore interest; and he agreed with his hon. Friend that to pass this measure would be to give the greatest facilities to the fraudulent debtor in preventing the fair division of his estate among his creditors. This was a measure which arose from excessive legislation by the legal profession. No persons, he believed, knew so little of the commerce of the country and of the principles by which it was regulated as those who were engaged in the legal profession. Though their vocation might be to recover debts, the Lord protect the nation against attempts at commercial legislation by them! He had pointed out to the noble Lord who originated this measure the effect it would produce on endorsers, and the reply he received was, that it worked well in Scotland; but he agreed with his hon. Friend on the opposite side that they did not want Scotch law. There were many bad as well as good Scotch laws, and he doubted whether, in the present case, the people of Scotland, in order to obtain a little more security for bills, did not sacrifice ten times the amount by the consequent restriction of commercial operations. If they must have an importation from Scotland he would recommend hon. Members to turn their attention to the Scotch banking system, which he admitted would, if introduced into this country, palliate many difficulties.

Amendment proposed, to leave out the word "now" and at the end of the Question to add the words "upon this day Six Months."

Sir ERSKINE PERRY said, that this measure was not the conception of a legal mind, but had originated solely with persons connected with commerce; and the two hon. Members who had just addressed the House laboured under a misconception in supposing that commercial men throughout the country were opposed to this measure, for the fact was that, with the exception of Birmingham, there was not a single commercial town of importance in the country which had not petitioned the House in its favour. He held in his hand a list of those towns, which, with the permission of the House, he would read for the information of hon. Members. In that list were Liverpool, Leeds, Leicester, Bristol, Carlisle, Nottingham, Worcester, Glasgow, Bath, London, Huddersfield, Bradford, Cork, Belfast, Southampton, Edinburgh, Dundee, Manchester, Devonport, and Gateshead; altogether there were twenty-eight petitions from those places, and it must be remembered that those petitions were not only from merchants and tradesmen, but from the representatives of commercial men, the Chambers of Commerce. In the petition presented last year by the noble Lord the Member for London in favour of the measure were the names of the most respectable firms in the metropolis, and he was at a loss therefore to know what hon. Members could mean by stating that the commercial men of the country were opposed to the measure. He would not detain the House by demonstrating the soundness of the principle upon which the Bill was founded, but would merely remark that they were principles which had guided our law reformers during many years past. It was singular how much the writings of one man, Mr. Bentham, who had been described as the first philosophic writer of the last century, had contributed to the introduction of those reforms. At the time he wrote, what a wild jungle was the field of English law, how overgrown with weeds, how encumbered with nuisances, of every description, and how much had since been done in consequence of the adoption of his views. Two general principles were laid down by him—namely, that the foundation of all rules of law should be their tendency to promote the ends of justice; and that, in order to enable suitors to terminate their legal difficulties in the most speedy and economical manner, every facility ought to be granted to enable them to come before the judge at the earliest possible period of the suit before expenses were incurred or the passions of the parties inflamed. Applying these principles to the present Bill, he would inquire what was the existing state of the law? It was obvious that all the cases that came before the courts of law were divisible into two great classes—the first class comprehended those in which some legal difficulty was to be settled or principle established; and the second, where suitors were seeking to enforce a remedy against a consenting party to a contract, who was unwilling to perform it. It was obvious that these two classes of cases required very different modes of proceeding; in the first class of cases every opportunity should be given to bring forward the facts, and apply the legal arguments to them, which was necessarily a slow process; but, in the second, when no dispute of law or fact occurred, the claim ought to be presented before the judge at the earliest possible period. Now, how did the law stand with regard to bills of exchange? In the case of a bill of exchange where there was no difficulty about proof, but payment of which was only withheld because it was inconvenient to the debtor, what did the law allow him to do? It allowed him, in the first place, to appear to the action and put in all sorts of false and fraudulent pleas. The only effect of such proceedings was to gain time, for when the cases came on for hearing, judgment passed for the plaintiff in one second. The Chief Justice of the Queen's Bench said that he had had as many as sixteen of such cases to dispose of in one morning. The average cost of these undefended actions was 12*l.*; and if the defendant were insolvent, these costs were entirely thrown upon the plaintiff. It was clear that some remedy ought to be devised for such a state of things. The best arguments against the Bill proceeded from the Incorporated Law Society last year, but so strong was the case in favour of the Bill, that they had this year abandoned their opposition, and had brought forward another Bill, the preamble of which contained the main principle upon which the present law was founded. Last year the opposition to the Bill proceeded from some commercial men in the House, but nothing could be more weak than the arguments then used. It was said to be hard upon the debtor to be called upon to pay at so early a period after the debt was contracted, but that would be an unsound principle for the House to recognise, for it was of the first consequence that remedies to enforce contracts should be available in the earliest, simplest, and most speedy possible manner. His own experience in the administration of the law in a Court where he had the power to grant terms to defendants had convinced him that leniency to the debtor was unwise and unsound, even in the interest of the debtor himself. It was not in the nature of business men to be too hard upon their debtors. On the contrary, it was the interest of men engaged in business affairs to deal with each other on liberal terms, and the man who had the character of selling up his debtors too harshly would soon be known and avoided. Another argument against the Bill was used by his hon. Friend the Member for Birmingham (Mr. Muntz), who characterised this Bill as a job, and who, with his fine stature, stentorian voice, and the oaken cudgel which he usually carried when he addressed the House, used his *argumentum baculinum* with so much power and vigour that his feeble denial that there was any ground for such an assertion was of little avail. But as this was a small assembly, and as it was now early in the day, and as we were not in the piping month of August, as when this Bill was discussed last year, he would venture to say, in opposition to his hon. Friend, that he could not trace the least suspicion of a job in any of the clauses of this Bill. He would say for himself, that he was as much averse to a job as any Member of that House, and having once had judicial patronage of his own, his assertion might be tested by experience. There was in the Bill of last year a clause providing a salary for the officers to be appointed under the measure. The right hon. Member for Oxfordshire (Mr. Henley) pointed out the undesirableness of payment by fees; and accordingly he (Sir Erskine Perry) had withdrawn that clause, and had inserted another, which was the only one for which he was responsible. By that clause, following the legislation of the last few years, he had taken the patronage from the judges, to whom it had at first been proposed to give it, and had placed it in the hands of the Ministers of the Crown who might be called upon at any time in Parliament to account for any improper exercise of that patronage. On the other hand, the judges of the land had functions of so solemn a nature to perform, that they ought never to be placed in a position in which their names might be called in question in that House. The Bill of last Session passed through its earlier stage by a majority of nearly two to one, but it was postponed until so late a period of the Session that in deference to the impatience of the House, it was determined to withdraw the Bill. This Session the Bill had again gone through the ordeal of the House of Lords, and the interval had enabled the commercial interests in the provinces to bear their testimony to its value. Very strong testimony in favour of the Bill was also borne by the Commission now sitting for assimilating the Law of England and Scotland to one commercial form. That Commission approved most warmly of the principle of the measure. He thought the other Bill before the House a good one; but this, which had come down from the House of Lords, he regarded as the best. The principle of the two measures was exactly the same, namely, to do away with fictitious and fraudulent defences, and to do speedy justice to the holders of dishonoured bills. He should not at all object that the two Bills should be referred to a Select Committee, and he should be glad to hear that this proposal had been made by the Government.

MR. GURNEY said he did not think a sufficient case had been made out for the proposed change of the law. So far as his own experience went he had never known an instance in which the loss upon bills of exchange had been increased in consequence of the delay entailed by the present state of the law. There were certain cases in which the remedy was worse than the disease, and this was one. The disease was the inconvenience of a few creditors; the remedy would be the ruin of a multitude of debtors. He differed from the hon. Gentleman in thinking that every alteration in the law that enabled creditors to obtain speedier remedy against the debtor, was, for that reason, an improvement upon the law. The debtor ought to have a fair and reasonable time given him to recover from temporary and accidental embarrassment; and, if he should fail, then the law ought to provide that his property should be equally divided among all his creditors. But it seemed to him that the present bill was utterly deficient in both these respects. The bill gave to the creditor who held an overdue bill of exchange an enormous priority of advantage as against the creditors on open accounts —a priority that was not based either in justice or expediency. But it was assumed in this bill that the creditor upon a bill of exchange, being a formal document, ought to have priority, and that the debtor admitted on the face of the bill that he was indebted to a certain amount, and that he engaged to pay it on a certain day. But the same thing might be said if a man wrote a check which was dishonoured by his banker, and it would be difficult to show why the holder of an unpaid check ought not to have the same remedy as the holder of the bill of exchange. The holder of a bond, too, would be in many cases placed in an inferior position to that of the holder of a bill of exchange—for no reason that he could see. That was not consistent. Again it was impossible not to see that the Bill would afford the greatest possible facilities for fraudulent preferences. A man might say to one of his creditors, "I am in difficulties—draw a bill on me at a week," and the creditor who had received the hint would get his debt in full at the expense of the rest. He believed that it was the duty of that House, in providing justice for creditors, not to overlook all considerations of mercy to the debtor. He did not plead for the insolvent debtor, for, if a man were insolvent the sooner he stopped payment the better; and still less did he plead for the fraudulent debtor, for it was a blot upon our jurisprudence that the fraudulent debtor was so seldom convicted and so lightly punished: but he did wish to say a word on behalf of the honest, industrious, and frugal tradesman, who might be unable, from an accidental slackness in his month's receipts, to meet his acceptances for goods purchased, and which he calculated upon meeting from the month's sale of goods. Such bills were given among all classes of tradesmen, and one class, the small retail shopkeepers in agricultural villages, generally made purchases by the acceptance of small bills of exchange. They had no margin of spare capital like larger traders, they depended upon the receipts in their shops, and if they failed to take the usual amount of cash they failed to meet their acceptance. It was said that the creditor and the debtor ought to be left to settle these matters between them; but these bills are not always in the hands of the drawer, for if he were in any strait he would have passed them into the hands of third parties. The drawer of a bill might often have an interest in keeping an acceptor upon his legs, but the accidental holder of a bill would have no such interest under the present bill, although he might have now, because the present state of the law operated as an inducement to leniency. But if this bill passed, it would offer a premium upon harshness; for, however kindly disposed the creditor might be, he would be compelled to avail himself of the powers given to him by the present bill, for fear that, if he did not, some other holder of a bill would step in and cut him out. The bill then would be a great hardship to persons engaged in trade; and it would also have a prejudicial operation upon the character of the bills of exchange in circulation in this country. A prudent man, with small means, would be very unwilling to sign a document which would render him liable to such serious results in case of any accidental negligence in taking it up, upon its arriving at maturity; and the bill would thus diminish the number of a class of bills which he thought ought not to be diminished—namely, those drawn on small country traders for goods *bonâ fide* supplied, and representing a class of credit from which it was undesirable this class of traders should be debarred. He considered, in short, that the effect of the bill would be materially to diminish the number of good bills and at the same time to increase the number of bad bills in the country. He should be the last to undervalue the expression of opinion of the large commercial bodies which had petitioned in favour of this bill, but they were mostly Chambers of Commerce and committees of the merchants and large and wealthier traders, and the smaller classes of tradesmen were very inadequately represented in these bodies. It was said that the measure had worked well in Scotland; but it had been in operation in that country for a great many years, and they all knew that time had a wonderful power in softening the harsher features of any measure. It might, therefore, work well in Scotland, and yet prove very injurious if introduced into England. The London merchants having dealings with Scotland had presented a petition, stating that persons selling goods in Scotland experienced great advantage in the collection of their debts from the state of the Scottish law, and that the law of Scotland was found in all respects to work extremely well. But the transactions of a country insensibly moulded themselves in the course of time to the state of the law, and too much stress must not be laid upon such a representation; and, moreover, the House ought to look at the other side of the picture—in other words, if the man who was turning the screw said he liked it, they ought to ask the man whose thumb was under the screw how he enjoyed the operation? For these reasons he must confess that he should be extremely glad to see these bills rejected, because, if they passed into law, the result, he believed, would be that, in the endeavour to check an imaginary inconvenience, a real and substantial injury would be inflicted.

MR. NAPIER said, he must differ from the conclusions of the hon. Gentleman who had just sat down, and, as to the arguments used by him, he did not think that any reform had ever been carried without having a similar line of argument applied to it. He thought the House ought not lightly to reject a measure which had been found to work so well in Scotland—a country not likely to be led away by any crude or romantic notions on the subject of commerce; and when it was found that in a country like Scotland, after an experience of many years, a system similar to the one now proposed had proved most valuable and useful, he could not see why it should not be introduced into this country. A similar system existed in all the commercial countries of Europe, and it appeared to him that it ought to be the constant effort of the Legislature, first to assimilate the commercial law of the whole kingdom, and then to harmonise it with that of the whole commercial world. He did not think that the House ought, unless some weightier reason were given than had yet been advanced, to reject the present Bill. In his opinion, it would not be productive of the hardships which had been pointed out by the hon. Member for Lynn, for when men knew the provisions of the law they would comply with them and discharge their obligations, or else they would not enter so lightly into them. With regard to frivolous and fictitious defences, he had been startled to hear the hon. Member for Dublin (Mr. Vance) say that he had never heard of any. Why, it was almost always the case in trials concerning bills of exchange, and Lord Campbell in another place had stated that he had known many cases in which the money of the creditor had been wasted away in litigation by a fraudulent debtor. It was said, that the proposed change would give a preference to the holders of bills of exchange over other creditors; but, if it were so, a debt on a bill of exchange was different to an ordinary debt; a bill of exchange was an acknowledgment of a debt. A person who accepted a bill of exchange ought to be prepared at the proper time to discharge the obligation into which he had entered, and no law regarding such transactions

was a wise one unless it was in harmony with moral obligations, and courts of justice ought not to be occupied with cases in which there was no *bonâ fide* defence. The hon. Member for Dublin had stated that a noble and learned Lord to whom reference had been made—he meant Lord Brougham—had not been very successful as a commercial reformer; but he could only say that scarcely any reform which had since been carried was not anticipated in the celebrated speech made by that noble and learned Lord in 1828. The noble Lord had even anticipated the present Bill, for he said—

> "Whenever a strong presumption of right appears on the part of the plaintiff, the burden of disputing his claim should be thrown on the defendant. This I would extend to such cases as bills of exchange, bonds, mortgages, and other such securities. In those cases I think the plaintiff should be allowed to have his judgment upon due notice given, unless good cause be in the first instance shown to the contrary, and security given to prosecute a suit for setting the instrument aside."—[2 *Hansard*, xviii. 179.]

As regarded small traders, and the injury which it was said would be inflicted on them, by the present Bill, that was entirely a matter for the creditors, and, even under the existing system, he did not think that a creditor on a bill of exchange would be willing to forego the power which was given him. As regarded collusion and fraud, he would be glad to see a mixed Commission of legal and commercial men appointed to inquire into that subject. It had been said that the petitions in favour of this Bill had been presented from Chambers of Commerce and persons engaged in large mercantile transactions, but surely they were the persons likely to be the best judges on the subject. So advantageous had a similar system, established by 12 *Geo.* III., c. 72, been in Scotland, that, in the 23 *Geo.* III., c. 18, it was stated—

> "And whereas it hath been found by experience, that so much of the said Act made in the twelfth year of the reign of His present Majesty as relates to bills and promissory notes, hath been of great advantage to the trade and commerce of that part of Great Britain called Scotland; be it therefore enacted, that so much and such part of the said Act shall be, and the same is hereby made, perpetual."

Well, then, if the system had worked so beneficially in Scotland, he could not see why it should not do so in England and Ireland; and that opinion was confirmed by Lord Campbell, who had thus expressed himself on the subject—

"There could be no doubt that it was of immense importance that the commercial law of the three portions of the United Kingdom should be assimilated, and such an assimilation would introduce reforms which might lead to the most important commercial advantages. He was, perhaps, as competent to speak on this point as any of their Lordships, as he had the honour of presiding in Her Majesty's Court of Queen's Bench, where a great many causes were tried; and he assured the House that in very many the money of the creditor was wasted by the fraudulent debtor in litigation. Frequently, the acceptor of a bill of exchange, who, having had value received, and having failed to pay at the end of the period had an action brought against him, set up a number of fraudulent and unfounded defences, and when the day of trial came no real justification was attempted. At one single sitting of the Court, within the last four weeks, there were no less than sixteen actions on bills of exchange, in which the defendants did not attempt to set up the shadow of a shade of defence. He saw no reason, therefore, why they should not do as they did in Scotland, and in every other commercial country, and, indeed, in the time of Edward I., in this country."—[3 *Hansard*, cxxxv. 1367.]

With regard to a clause altering the jurisdiction in Ireland, that he thought ought to receive consideration in committee; but he thought that if the House would assent to the present Bill it would be found most useful and beneficial.

Mr. MITCHELL said, he thought that the assertion of the hon. Member for Birmingham, that no petitions from mercantile men had been presented in favour of the principle of the present Bill was, to say the least, hazardous, and he had been much surprised at the arguments which he had employed. The hon. Member and the hon. Member for Lynn (Mr. Gurney) went upon the same principle; and as the hon. Member for Birmingham was in favour of inconvertible bank notes, so the hon. Member for Lynn was in favour of inconvertible bills of exchange. The whole argument of the case rested upon the principle, that when people had accepted bills of exchange they should be called upon to discharge the obligation into which they had entered. In his opinion, a bill of exchange was a most serious engagement, and he utterly repudiated the notion that open accounts and bills of exchange were to be placed upon the same footing, for the difference between them was of the broadest nature. It had been said that there ought to be a difference between bills of exchange and warrants of attorney, because, in the case of the latter, the attorney would explain the transaction; but ought that House to encourage persons to accept bills of exchange without knowing their nature? With regard to endorsees, it was equally their business to consider their liability. In the case which had been referred to, of bills of exchange drawn against bills of lading, he could not see that the proposed change would be productive of hardship, because it was the duty of persons accepting such bills to reckon what they would have to pay when they arrived at maturity, without being dependent upon the arrival of the ship. The question was, whether a bill of exchange was not a solemn engagement differing from a system of running accounts, and he had no hesitation in saying that the law had always held it to be so, as also did nine-tenths of the commercial men of this country; and, as to the objection of the hon. Member for Lynn as to fraudulent preferences, he was surprised the hon. Gentleman did not see that there was nothing in it. The mere fact of accepting a bill at a week's date, and then stopping payment, would be a clear case of fraud. As to hardships inflicted by the present Bill, he believed that in ninety-nine cases out of a 100, where a person was not able to meet his acceptance, but could show the holder of it that he could meet it if he had time, the bill would be renewed; but, if the man were really insolvent, then, the sooner it transpired the better. He earnestly hoped that the House would not be led away by even the high authority of the hon. Member for Birmingham, but that it would sanction a principle which would tend to purify the commercial atmosphere, and to prevent persons entering into engagements which they were unable to meet.

Mr. MUNTZ found it necessary to say that his observations had been misunderstood. What he had said was, that all the men of commercial standing, whom he had consulted, were perfectly satisfied with the existing state of the law, and had no desire to see it altered.

Mr. SPOONER thought that no answer had been given, or could possibly be given, to the most able speech of the hon. Member for Lynn (Mr. Gurney). The hon. Member for Bridport (Mr. Mitchell) had, indeed, endeavoured to show that the opponents of this Bill were not desirous of compelling persons to observe engagements into which they had entered. Now what he objected to was, that this measure gave to the holders of negotiable securities a power of oppressing their unfortunate debtors. He believed that the Bill would have a very harsh operation upon small traders, and a man who had good book debts might be driven into the bankruptcy court for not being able to fulfil an obligation into which he had entered under the belief that he would be able to meet it at a particular day. No doubt, those engaged in large commercial transactions approved of the Bill; but as it was for the advantage of the country that a system of small trade should be encouraged, he would put it to the House, was it consistent with that view that small tradesmen should be dealt with according to the harsh and severe principle dictated by this Bill? They might rest assured the Bill would have the effect of preventing prudent and cautious men from entering into those engagements at all. Much had been said of the petitions presented in favour of the Bill. Now, he happened to know that, as regarded the petition signed by the merchants of the City of London, it was so signed by many upon the representation that the Bill was to prevent fictitious defences being set up against the payment of bills of exchange; and by others, on the supposition that it was directed against accommodation bills; and he could state that many persons who had done so had changed their opinions. When the merchants, manufacturers, and small tradesmen of Birmingham had discovered what the probable effect of the Bill would be upon the retail trade of the country, they immediately resolved to petition against it. And as regarded the petition from Leeds, it merely went to this, that the petitioners prayed some steps would be taken to prevent the setting up of fictitious defences. The Bill was unnecessary, and because it was so, as had been justly observed, it was a job, inasmuch as an office was created under it which was not required. Not a single petition had been presented in favour of such a measure before the noble and learned Lord (Lord Brougham) brought forward his Bill, and he did not believe that any necessity had been felt for it. He could not see the slightest reason why they should give to the holders of bills of exchange advantages withheld from simple contract debts or obligations of any other description. During the long vacation, no doubt there was some delay in procuring judgment, on account of the difficulty of obtaining a Judge's order; but if gentlemen of the legal profession felt this evil so strongly, an obvious mode of settling the matter was to see if the long vacation could not be curtailed. He objected to the Bill because it was not wanted—because it gave to the arbitrary creditor a power of injuring the unfortunate debtor; because it did not merely confine its operations to the case of the fraudulent debtor, but applied equally to that of the unfortunate debtor; and because it would inflict much mischief upon small traders all over the country under pretence of curing an imaginary rather than an actual evil.

Mr. BAINES said, he must be allowed to advert to a petition presented by him little more than a month ago in favour of this Bill from the Leeds Chamber of Commerce, which was composed of persons who thoroughly understood the trade of this country, whether relating to large or to small operations. This petition had been entirely misdescribed by the hon. Member (Mr. Spooner.) The petitioners stated that they "earnestly desired the assimilation of the commercial laws of the three portions of the united kingdom, and they consider that, by passing Lord Brougham's Bill, Parliament would take an important step towards such assimilation. It would greatly simplify and economize the administration of the law in England; it is founded upon just and sound principles; it is in accordance with the experience of other commercial countries; it meets the views of the mercantile communities in general; and it has had the sanction of the highest legal authorities, and of both Houses of Parliament." With regard to the Bill of the hon. Member for Reading (Mr. Keating), it was in itself a valuable measure, although he preferred the one now under discussion; but he thought the object in view would be best obtained by referring both of these Bills to a Select Committee, who would perhaps be able to give them a better Bill than either of those now before the House.

Mr. GLYN said, he did not entirely approve of the Bill before the House; but so many were the practical evils attending the present system of bill circulation in this country, that some remedy was absolutely necessary. He agreed, the proper course would be to send both the Bills to a Select Committee, in order that they might endeavour to get rid of the existing anomaly in our commercial code on this subject, and assimilate it to the law of Scotland and of other countries. At present the mode in which acceptances were given and taken was a positive evil. A single house in London on the 4th of March last had no less than 700 bills noted for dishonour; and on the same day it was calculated that no less than 5,000 bills in the city were noted. It was evident that these bills were given, not with the *bonâ fide* intention of discharging them, but on the anti-commercial and most pernicious system of renewal. An evil of this magnitude demanded the serious attention of the Legislature; some measure should be adopted to increase the validity of these instruments. When a man incurred the solemn obligation of accepting a bill, the Legislature ought to see that he was in a position to fulfil his obligations. Seeing how bills of exchange circulated throughout this country on the faith of the indorser, the Legislature was bound to see that bills were not carelessly or recklessly indorsed. They could not have a greater security against this than was given by the Bill before the House. So far from deteriorating bills of exchange, he was convinced it would raise their character. He knew that some of the largest houses in London connected with the inland trade were promoting this measure, and yet there was no class of men throughout the country who were to a greater extent simple contract creditors—a proof that no danger existed of that class of creditors being injured by the measure proposed. The only objection to the Bill which appeared to him to have any weight, was that relating to fradulent preferences; but as he found a provision against that in Mr. Keating's Bill, he hoped that both Bills would be allowed to go to a Select Committee.

SIR FREDERIC THESIGER said, he had listened attentively to the whole of this discussion, and he confessed that he was more perplexed and embarrassed than ever he had been in his life by the variety of opinions he had heard on the subject. There were two question involved in the Bill, which, in the discussion of its principles, ought to be kept apart. The first question was whether it was advisable that the holders of negotiable securities should have given to them more expeditious remedies than other creditors of realising the amount of those securities; and in the second place it was necessary to consider whether the machinery provided by the Bill was exactly the kind that was required for that purpose. He did not mean to undervalue the weight of the petitions that had been presented in favour of this Bill, but he should be glad to ascertain the character of the persons who had presented these petitions; he should like to know if they were persons who were more in the habit of taking bills of exchange than of giving them; because he could understand that persons whose business led them to receive bills of exchange to a large amount might be in favour of an expeditious and summary remedy for the recovery of the amount of these securities. He thought, however, the House was bound to pay some attention to the case of honest debtors, as also to the case of creditors who were not the holders of negotiable securities. The question was whether any preference should be given to the holders of those securities. At the present moment he could see no reason why the holders of these securities—merely because the persons bound by them were under the obligation to pay them on a particular day—should be entitled to a greater advantage over simple contract creditors than the holders of money bonds or of mortgages, in which there was a covenant to pay the money on a particular day, or at any time whatever. He did not feel that it would be desirable to give to the holders of negotiable securities the expeditious and summary remedy provided by this Bill. It might be said that by this measure they would prevent the setting up of fradulent defences, but he conceived that they would not prevent such defences being set up by merely expediting the proceedings against the parties. No doubt they could by means of a summary remedy, prevent parties from setting up any defence at all; but such a proceeding as that was not advisable. Now, the principle of the Bill at present before the House was to provide that summary remedy which had been so much dwelt upon, but a most expeditious remedy was at present supplied by the Common Law Procedure Act, and the hon. and learned Member (Mr. Keating) proposed to make that act the basis of his measure. In many respects the Scotch law possessed advantages over that of England, but he thought that no reason why the Scotch law should be transplanted into a foreign soil when he found that the evils complained of might be guarded against equally well by our own English native law. He thought we ought rather to make every improvement that was required in our own English law, rather than substitute for it the law of any foreign country. He quite agreed with the hon. Member who last addressed the House, and his right hon. Friend the Member for Leeds, that it would be extremely desirable that those two measures should be submitted to the consideration of a Select Committee, in order that a measure might be matured which would prevent the frauds unquestionably often committed in this class of commercial transactions. He was disposed, therefore, to consent to the second reading of the Bill proposed by the hon. Member for Reading (Mr. Keating) as well as of that now before them, in the hope that the originators and promoters of the measure would consent to that course.

THE LORD ADVOCATE said, the Bill which came down from the House of Lords had his entire approbation. He believed that the application of the Scotch law to England would be productive of the greatest possible good, and with respect to those hon. Gentlemen who thought that the nationality of England would be thereby affected, he begged to remind them that the law of Scotland was the law of the whole of the civilised commercial world. The bill of exchange was the currency of merchants, and instead of seeing any ground for maintaining the doctrine of the other side, his wonder was that England should have grown up to such a position of commercial wealth whilst the law of bills of exchange remained in its present barbarous state. These bills of exchange circulated as money from hand to hand, they were assignable and discounted, and then, at a certain point, that which had before circulated as money represented it no longer. What was contended by the other side was, that when a small trader promised to pay a bill of exchange he was not bound to keep his promise, because other people, through whose hands the bill passed, did not keep theirs. When it came to this point that a man was not able to meet his debt without having recourse to a fictitious defence, it was far better that he should go into the *Gazette* at once.

MR. KEATING was happy to think that he was relieved from the necessity of advocating the principle on which both Bills rested, as it was admitted on all hands the present law upon bills of exchange in England was a scandal to the administration of justice. He thought, however, that the introduction of the Scottish law was unnecessary, as tending only to encumber and clog the wheels of justice. So far from attaining the object desired in a more rapid and less expensive way, he thought it would only go to accomplish in a more expensive way an object which might be effected by the slightest possible alteration of the present English law. He was decidedly in favour of referring both bills to a Select Committee, where their details might be thoroughly considered, and the best measure be sent before the House. Bills of exchange circulated like sovereigns from hand to hand, and it was too bad that parties should be prevented from realising the amount of the security by any fictitious proceeding of the law.

MR. MURROUGH observed that there existed at the present moment a number of inconvertible bills of exchange which were recoverable by the agency of the Court of Chancery. But there was another class of bills of exchange which were drawn by the small traders, and which were never intended to pass as money till the goods they represented were sold. Now if these bills remained in the hand of the original holders this bill might not produce much evil; but as it was well known that numbers of these bills got into the hands of warehousemen in London, and on their failure passed into the hands of others who pressed on the small traders, he thought the House should be cautious before they agreed to the measure. He suspected that the bill was promoted for the benefit of persons behind the scenes.

THE ATTORNEY GENERAL said, he agreed with the hon. Member for Birmingham that this was a question more for the consideration of the commercial community than for lawyers, though perhaps the experience of hon. and learned Gentlemen might enable them to throw some light upon it. It was notorious that actions on bills of exchange gave rise to defences of so fictitious and fraudulent a character as to be a disgrace to courts of justice; as regarded the creditor they were unjust, and as regarded the debtor, degrading and demoralising. The question then was whether or not the existing state of the law ought to be amended? He thought there could be no doubt that they ought to do so, unless very great embarrassment and injury to commerce would result from it. Was it not palpable that it was an advantage to a man holding a bill of exchange to be able to recover by a cheap, summary, and expeditious remedy? Why did the creditor exact a bill of exchange but for the purpose of ensuring payment? He admitted that the question was one of commercial policy, and it had been said by an hon. Gentleman of great authority in commercial matters, that the effect of the proposed change would be to prevent bills of exchange being given in small transactions, and thereby limit credit, which ought to be made as extensive as possible. But, on the other hand, they had heard many conflicting opinions on that point; and he thought there would be a good deal of advantage in making men cautious in giving credit to parties whose means did not enable them to take large facilities. Unless the House were prepared to allow the present state of things to continue, and the administration of justice to be scandalised by fictitious defences, it was certainly time to deal one way or other with the subject. Some hon. Members had said that they ought to deal leniently with the debtor, and that he ought not to be rendered liable to his creditor in this summary and oppressive manner; but if it were right under certain circumstances to extend an indulgence to a debtor, such cases ought to be provided for by a competent tribunal. It was highly improper to convert the honest debtor into a dishonest and fraudulent man by encouraging him to go into a court of justice and set up a defence that would be disgraceful to him. With regard to the system of registration, he thought that it operated harshly and injuriously, besides its cumbrous and expensive process. He admitted it was possible that some inconvenience might arise from the bills as they now stood, and that summary jurisdiction might give rise to fraudulent preferences. This was a point on which he thought the investigation of a Select Committee might be highly beneficial. If the inconveniences threatened should appear insurmountable, he did not say that it might not even be necessary to have recourse to the rejection of the measure; for it was incumbent on them to proceed cautiously and carefully, without involving the commercial world in any of the dangers of which some hon. Members had spoken. If, then, the House were prepared to say that in regard to bills of exchange there ought to be an amendment of the law, the question to consider was, which of the bills proposed to the House ought to be adopted? He contended that both involved the same principle, and had for their object the prevention of a debtor's having recourse to a fictitious and fraudulent defence in an action upon a bill of exchange. They should not be guided solely by the desire to make the law uniform in both divisions of the empire; but, believing that a careful revision of the provisions of the two measures might enable them to obviate these inconveniences, he should certainly support the second reading of this Bill, as well as of the other which was brought forward by the hon. Member for Reading.

MR. M'MAHON called attention to a clause in the bill (the 12th) which would, in his opinion, involve an infringement of international law. The bill proposed to call upon a merchant residing in a foreign country to show cause against an execution issued against him on a bill of exchange, and he thought this was the first time such a principle had been introduced into the law of England.

MR. KEOGH said he was desirous of correcting an error into which the hon. Member for Warwickshire (Mr. Spooner) had fallen, as to what had been said by the right hon. Gentleman the Member for the University of Dublin. The right hon. Gentleman did not agree to the adoption of the principle of the bill in England, and object to it in Ireland, but he had understood him to say that the bill would require to be amended in Committee, in order to give similar powers to the Irish courts to those which were to be given in the English courts.

MR. HANKEY said, that no doubt great inconvenience had been experienced under the present system; and if the Scotch system were adopted he thought commercial transactions would be rendered more secure and payments be more promptly made. He considered it most discreditable on the part of any persons to accept bills which they had not the means of meeting at maturity, and he differed altogether from the hon. Member for Lynn, (Mr. Gurney) whose desire he understood was to place persons without capital in as good a position as persons possessing capital.

MR. W. BROWN said, he approved generally of the enactments proposed in the two bills; but did not think them quite equitable as respected English and foreign bills of exchange, which would be placed in very different positions. To this point the attention of the Committee might also be advantageously directed.

MR. MULLINGS said, that the bill provided for the registration of all bills of exchange and promissory notes. The House was aware that judgments and bills of sale were now registered; but they might not be aware that, through the agency of the protection of trade societies, lists of all persons who had given bills of sale, or against whom judgments had been registered, were circulated weekly throughout the country. He had learned that a society existed in London, the officers of which searched the register of judgments and bills of sale week by week, and sent out lists to all subscribers of 1*l.* per annum. This system was most injurious to the interests of the public generally; and he wished to call the attention of the Attorney General to this subject, and he hoped if the bill was referred to a Select Committee, that a clause would be inserted in order to prohibit the publication and circulation of information of this kind with regard to persons whose credit might not be at all affected, although they were parties to bills of exchange or promissory notes. An action had recently been tried at York, in which a merchant proceeded for libel against the solicitor of a Trade Protection Society who had published information of this description, and Mr. Justice Cresswell, before whom the case was tried, said he thought the system was likely to be attended with consequences most prejudical to public credit. He (Mr. Mullings) would support the proposition of referring both Bills to a Select Committee, and he trusted that the Committee would take measures to prevent such unwarrantable and mischievous proceedings.

Mr. W. WILLIAMS said that he looked upon this as altogether a commercial question, although hon. Members of the legal profession seemed unwilling to touch upon the commercial part of the subject. His opinion, based upon considerable experience in commercial affairs was, that if the bill passed in its present form it would have a most injurious effect upon the inland trade of the country. The introduction of bills of exchange for the settlement of inland accounts was of comparatively recent date; and, although no doubt evils had arisen from the system, yet, if this measure should be adopted, that species of transactions would be almost entirely abandoned, and great derangement must be occasioned in the mode of conducting the inland trade.

Mr. SANDARS observed that, as a very ample discussion had taken place upon this subject, he hoped his hon. friend the Member for Dublin (Mr. Vance) would, in deference to what appeared to be the general wish of the House, consent that this bill, and that which stood next to it upon the paper, should be referred to a Select Committee.

Mr. VANCE, in explanation, said that what he had stated was, that in the course of a long experience he had never had to encounter a frivolous defence to a bill of exchange, and that that was the experience of several other Members of the House. He should certainly take the sense of the House upon the question.

Question put, "That the word 'now' stand part of the Question."

The House *divided*; Ayes 114; Noes 58; Majority 56.

List of the Ayes.

Acton, J.
Adderley, C. B.
Bailey, Sir J.
Baines, rt. hon. M. T.
Ball, J.
Barrington, Visct.
Baxter, W. E.
Beaumont, W. B.
Bell, J.
Bentinck, G. W. P.
Bethell, Sir R.
Biggs, W.
Bouverie, hon. E. P.
Bramley-Moore, J.
Brown, W.
Butler, C. S.
Byng, hon. G. H. C.
Campbell, Sir A. I.
Cobden, R.
Cockburn, Sir A. J. E.
Cocks, T. S.
Cowan, C.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Denison, E.
Denison, J. E.
Duckworth, Sir J. T. B.
Duff, J.
Duncan, Visct.
Duncan, G.
Dundas, F.
Dunlop, A. M.
Du Pre, C. G.
East, Sir J. B.
Emlyn, Visct.
Ewart, W.
Farrer, J.
Floyer, J.
Foley, J. H. H.
Forster, J.
Fortescue, C. S.
Freestun, Col.
Gladstone, rt. hon. W.
Glyn, G. C.
Goodman, Sir G.
Greene, T.
Gregson, S.
Grosvenor, Lord R.
Hadfield, G.
Hamilton, G. A.
Hankey, T.
Hanmer, Sir J.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heard, J. I.
Heyworth, L.
Horsfall, T. B.
Ingham, R.
Johnstone, Sir J.
Keating, H. S.
Kelly, Sir F.
Keogh, W.
Kershaw, J.
Knatchbull, W. F.
Labouchere, rt. hon. H.
Langton, H. G.
Lee, W.
Liddell, H. G.
Lindsay, W. S.
Lovaine, Lord
Lowe, R.
Mackinnon, W. A.
Massey, W. N.
Maunsell, T. P.
Miles, W.
Milligan, R.
Michell, W.
Mitchell, T. A.
Moncreiff, J.
Mundy, W.
North, F.
Northcote, Sir S. H.
Oliveira, B.
Palmer, R.
Pechell, Sir G. B.
Pellatt, A.
Phillimore, R. J.
Pilkington, J.
Pollard-Urquhart, W.
Pritchard, J.
Ricardo, O.
Ricardo, S.
Richardson, J. J.
Russell, F. C. H.
Seymour, Lord
Smollett, A.
Stanley, Lord
Stirling, W.

Strutt, rt. hon. E.
Thesiger, Sir F.
Tyler, Sir G.
Vernon, G. E. H.
Waddington, H. S.
Walmsley, Sir J.
Walpole, rt. hon. S. H.
Whitmore, H.
Wickham, H. W.
Wilkinson, W. A.
Wilson, J.
Woodd, B. T.
Wrightson, W. B.
Wyndham, W.

TELLERS.
Perry, Sir T. E.
Napier, rt. hon. J.

List of the Noes.

Arkwright, G.
Ball, E.
Barrow, W. H.
Bennet, P.
Blackburn, P.
Boldero, Col.
Buck, G. S.
Carnac, Sir J. R.
Cheetham, J.
Child, S.
Cobbett, J. M.
Cole, hon. H. A.
Dillwyn, L. L.
Duncombe, hon. A.
Dunne, Col.
Egerton, E. C.
Fitzgerald, W. R. S.
Forster, C.
Franklyn, G. W.
French, F.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Greaves, E.
Grogan, E.
Gurney, J. H.
Gwyn, H.
Henley, rt. hon. J. W.
Herbert, Sir T.
Jackson, W.
Laing, S.
Laslett, W.
Lockhart, A. E.
Macartney, G.
M'Cann, J.
MacGregor, James
Mowbray, J. R.
Mullings, J. R.
Murrough, J. P.
Norreys, Sir D. J.
Oakes, J. H. P.
O'Brien, P.
Packe, C. W.
Paxton, Sir J.
Price, Sir R.
Reed, J. H.
Roche, E. B.
Sandars, G.
Scholefield, W.
Scully, F.
Spooner, R.
Stanley, hon. W. O.
Stuart, W.
Thornely, T.
Vansittart, G. H.
Verner, Sir W.
Williams, W.
Winnington, Sir T. E.

TELLERS.
Vance, J.
Muntz, G. F.

Sir FITZROY KELLY said, that although not present during the whole of the discussion, he had felt it his duty to vote in support of the second reading of the bill, not because he approved of the measure itself, or could say that he entirely acquiesced even with its principle, but because he understood it had been suggested that this and the bill standing next on the paper should be referred to a Select Committee. Now, he really did feel that the law stood so much in need of amendment, that he was ready to concur in any means which would lead to a full consideration of the subject; and he should, therefore, cheerfully support the second reading of the other bill as he had supported the second of this, on the understanding that they should both be referred to a Select Committee.

Main Question put and *agreed to*:—

Bill read 2°, and *committed* to a Select Committee.

BILL OF EXCHANGE AND PROMISSORY NOTES BILL.

Order for Second Reading read.

Mr. SPOONER, speaking on behalf of those who had voted in the minority on the previous division, said that he joined most cordially in the attempt to put down fictitious defences, and desired to justify no man who, whether inadvertently, through misfortune, or with intent, resorted to those fictitious defences. What he objected to was the mode in which it was proposed to accomplish this object, and which he held was in itself exceedingly mischievous.

Mr. MUNTZ said, this bill was superior to the other in every respect, but of course, like that, it would be referred to a Select Committee.

Mr. CHEETHAM said, the bill was framed upon the objectionable principle of giving an undue preference to one creditor over another; and so long as that principle was retained, no Select Committee would be able to make the measure acceptable.

Bill read 2° and *committed* to a Select Committee.

UNION OF BENEFICES BILL.

Order for Second Reading read.

Mr. FREWEN said, that in moving the second reading of this Bill, he wished to explain how the law now stood with regard to the holding of pluralities by clergymen of the Established Church. An Act was passed in 1850 for putting an end to the practice of holding benefices in plurality; but just before it passed a clause was inserted, the effect of which was to extend certain powers which were given under a former Act, and to enable any number of benefices to be consolidated and held as one, though they might not be held in plurality. This state of the law involved the inconsistency that, whilst the clergyman could not be presented to two livings, the two might be united and held in consolidation as one. How the system operated was rendered sufficiently apparent by the returns which had been laid upon the table of the House. The cases enumerated in the first of these returns were two livings in Cambridgeshire, which had been consolidated into one, and in each of which there was ample provision for the payment of a clergyman. The population of the two parishes together amounted to 939 souls, and their joint income was 715*l.* The next was the case of two parishes in Shropshire, the population of which was not so large, but the income was nearly

700*l.* a year. It was quite clear that the object in uniting these parishes together was to make up a considerable income for some friend or relative; and for this purpose, instead of the revenues of the Church being appropriated to the objects for which they were originally intended—namely, the payment of a clergyman to perform his duties and reside within the parish—the two parishes were united and consolidated into one. The third case of the sort was in the county of Suffolk, and the fourth in the county he had the honour to represent—Sussex. In the return for 1853, there were very many cases of the same description, and in one instance two parishes were consolidated that were not less than three miles apart from each other. Such a state of things as this, he was sure the House would agree with him, was most objectionable and demanded the application of a remedy. He did not, however, propose to act with any undue stringency in applying that remedy; and whatever suggestions hon. Members might think proper to make, he should be happy to consider in Committee on the Bill. According to the existing law, no limit was fixed to the value of the livings consolidated, and one object of his Bill was to remedy this defect. This he did by the first clause. The second clause referred to the non-residence of certain masters of colleges and public schools, who under the present state of the law could claim exemption from the general obligations upon clergymen in this respect; and it was directed to provide a remedy against the evils thence arising. In the county of Sussex there was one parish with a considerable population, and an income of 1200*l.* a year; in this situation and in Cambridgeshire, another parish with an income of 1150*l.* a year; but in neither case had the bishop of the diocese the power to enforce the residence of the incumbent. This, too, was an objectionable state of things, and he proposed that whilst the incumbents in possession should not be interfered with during their lives, in all future appointments their residence should be enforced. Further, there were at present a great number of parishes where the churches had unfortunately been allowed to become dilapidated and fall to ruin, and though the income was sufficient to pay the clergyman, there was no place of worship, and the clergymen never went near the parish to perform his duties. In the north of England he was acquainted with a parish having a population of 2000 thus situated, and a similar case of a parish in Wales having a population of 1200. Now, he held that some legislation was absolutely required upon this subject, with a view to secure the erection of a church in parishes so circumstanced; and he proposed by the third clause, therefore, that from the period the living next became vacant the income should, if it were thought advisable by the bishop of the diocese, be allowed to accumulate in order to provide a building fund, and that until the church was built the bishop might license a room for the performance of Divine worship in the parish. It was to accomplish these several objects that he proposed the Bill, and he trusted the House would consent to its being now read a second time.

Motion made and Question proposed "That the Bill be now read a second time."

MR. COWPER opposed the second reading of the Bill. He did not think that it was very desirable to legislate on questions of this kind in detail. He thought, too, that the changes contemplated by the Bill were unnecessary, and were open to many objections, and did not even carry out systematically the intentions of the proposer himself. He thought that the regulations which it contained with respect to the regulations for the consolidation of benefices were not framed with sufficient clearness and accuracy to render them easily workable, and the limited application of the Bill to benefices under a certain amount would lead to uncertainty as to the state of the law. The second clause, which referred to the non-residence of masters of colleges and schools, he had no objection to; and with regard to the latter clause of the Bill, he must say that he did not think it desirable to confiscate the revenues of parishes which had no church but had a clergyman, in order to provide a sacred edifice. It would evidently occupy some period before a church could be erected from the accumulation of the income which now went to the incumbent, and he did not think it would be desirable to deprive the parishioners of the advantage of the ministrations of a clergyman for this length of time, particularly as a room might be licensed for the celebration of divine worship, if there was no church. If it were thought necessary to make such a provision, he thought some better means of getting funds might be provided than that of confiscating the income of the clergyman. Looking at the Bill as a whole, he did not think there was any pressing necessity for it, and he hoped the hon. Gentleman would not press it to a division. He would move that the Bill should be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. ROBERT PHILLIMORE said, that the Bill proposed to deal with three very important questions—the union of benefices, the residence of clergymen, and the building of churches, in a very small compass. He thought the limit of distance, in the first clause, by which it was provided that the churches should be within a mile and a half of each other, was a good provision, and ought to be accepted by the House; but he did not think it advisable to make any change as to the value of the livings. He highly approved of the second clause, and thought its provisions ought to be extended to canons and prebendaries. As to the third clause, it was not open to the objection of the hon. Gentleman (Mr. Cowper), as it provided for the supply of the funds in a very legitimate way, and it was not to extend to any parish where a room was licensed for public worship. He would not offer any obstacle to the Bill going into Committee.

MR. BOUVERIE said, the third clause appeared to be to the same effect as a Bill brought in by the hon. Member for Sussex some years ago, and which, after much discussion, the House rejected. It seemed to him as though the hon. Member, finding one evil existing in a parish, proposed to remedy it by the creation of another. Because there happened to be no parish church in a parish—a circumstance which all would deplore—the hon. Gentleman proposed, in fact, that, until the bishop was satisfied that the income of the benefice had accumulated sufficiently to erect a church, there should be no clergyman. That, in his (Mr. Bouverie's) opinion, was not by any means the proper way to remedy the evil. Neither was he willing to give to the bishop the power contained in the third clause, in reference to the presentation of clergymen to benefices by the patrons. As to the clause respecting the union of benefices, it was mere nibbling with the great and important question of pluralities—a question which ought to be dealt with as a whole, and not in one particular minor point, as proposed by the Bill. He trusted the House would reject the Motion for reading the Bill a second time.

MR. SPOONER said, there were clearly grounds for sending the Bill to a Committee. If the returns before the House were examined, it would be found that there were many cases in which the persons who paid for the means of spiritual edification had no clergyman resident near them and no church. He admitted that the third clause was not perfect, inasmuch as it left to the bishop the option of presenting or not; but that might be altered when the Bill went into Committee; it might be made compulsory upon the bishop in the case of parishes where there was no church to license a room for the performance of divine worship until sufficient funds had accumulated for the erection of a church. He should vote for the second reading.

MR. HENLEY concurred with the hon. Member for Hertford (Mr. Cowper) as to the inconvenience of frequent legislation upon matters of this kind, particularly as in the present instance the hon. Mover of the Bill himself seemed, judging by the first clause, to undergo a constant change of mind upon the question of value. The third clause, he admitted, was an important one, because nobody could desire, where there was a benefice with a certain amount of revenue and no church, that such a state of things should continue. But what would the proposal of the hon. Member do, so far as providing a remedy was concerned? Why, it would have no effect at all during the lives of the existing incumbents, and would only come into operation upon the voidance of the cures. Consequently, whilst the lives of fifty or sixty incumbents of benefices so situated endured there would be no remedy whatever for the evil. Churches were generally built by means of the contributions of persons who took an interest in such matters, with the assistance of certain societies; but if this Bill were to become law, and it were known that upon the death of incumbent A, B, C, who was rather feeble, and not likely to live more than two or three years, a fund would at once begin to accumulate, he apprehended that great difficulty would be experienced in getting people to subscribe for the erection of a church in that locality. For, naturally enough, they would say, "In a few years you will have a fund sufficient for building a church, and we can find plenty of other places where our money will be more useful." Some analogy might be drawn between the case and the appointment of new bishops. The new bishop directed his energy to promote the interests of his diocese, and so would the parishes in this case. He thought it likely that a new church would be built more quickly by having an energetic man in the cure, however small, besides having the inestimable advantage of increased parochial ministration. As regarded the second clause, there might be some abuses in the case of those having the cure of souls; but upon the whole he thought they were very few. Upon the whole, therefore, if the Bill went to a division, he should feel inclined to vote against it.

Mr. FREWEN replied. He had brought forward the measure entirely for the public good, and he was not responsible for the Bill of last year. There was a strong feeling in the country that these things should be reformed, and therefore he would take the sense of the House on the subject.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 30; Noes 112: Majority 82.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Second reading *put off* for six months.

VACATING OF SEATS IN PARLIAMENT BILL.

Order for Second Reading read.

Mr. WRIGHTSON moved the second reading of this Bill, explaining that its object was to prevent the necessity of any person vacating his seat in Parliament, and presenting himself again to his constituents for re-election, on removing from one office of profit under the Crown immediately to another office of profit.

Motion made, and Question proposed—"That the Bill be now read a Second Time."

Mr. W. WILLIAMS conceived that the Bill would interfere very materially with those constitutional rights of electors which had been exercised for two centuries. He saw no reason for the proposed change, and should oppose the Bill.

Mr. BANKS was inclined to agree with the last speaker in respect to the constitutional part of the question. He thought, too, that the present was not precisely the time when such a proposition was likely to meet with most favour, for, with respect to many places, hon. Members did not know whether they were vacant or not, and one of the means of obtaining that knowledge was by the Motion for new writs. He certainly wished that every Member, on the occasion of his receiving a new appointment, should go back to his constituents. The trouble to himself would be very small if the electors approved of his conduct; and, as to the expense, the House had endeavoured to make that as little as possible, though, whether the Act passed last year for that purpose had operated as intended, a recent return presented to Parliament with respect to one of the metropolitan boroughs was calculated to create doubts.

Sir GEORGE GREY said, the sole object of the Bill was to promote the public convenience, and it only enforced a provision which had been suggested on several occasions before without any objection being urged against it. As to the knowledge which the hon. and learned Member desired to have with respect to the appointments to new offices, that information was usually contained in the *Gazette.*

Mr. BENTINCK thought the experience of the last two months, during which there had been such a shifting of the Members of Government from one department to another as was neither conducive to the character of public men, nor to that of the Government, afforded sufficient argument against the Bill.

Mr. HADFIELD opposed the Bill. If they began to fritter away the constitutional principle little by little, they would by and by get rid of it altogether. He moved, as an Amendment, that the Bill be read a second time that day six months.

Mr. BARROW seconded the Amendment. The question was not whether a Minister should be allowed to go from one office to another in the same Administration, but whether he should be permitted to accept a new office, with an entirely different set of men for his colleagues, without being obliged to go back to his constituents, and giving them an opportunity of deciding whether or not they would re-elect him as their representative.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. HENLEY had heard no good reason in favour of the Bill. No doubt some inconvenience might arise to a Member of a Government in consequence of finding a difficulty in being re-elected; but that was a reason why the present constitutional rights of the electors should be retained.

Sir FREDERIC THESIGER thought it was not desirable that a person holding an office of profit under the Government should vacate his seat merely on being transferred to another office under the same Government; but when a Member left one Government to serve under another, he conceived that the constituency were then constitutionally entitled to pronounce an opinion on his conduct.

SIR GEORGE GREY said, that the hon. and learned Gentleman's argument went too far for his purpose, and, as far as the approval of constituents was concerned in respect to the change of office by their representative, he (Sir G. Grey) did not see the force of the distinction attempted to be drawn. There was no doubt that there might arise great inconvenience if a Minister changing from one department to another, and being at the head of the department, should be absent from his place in Parliament for a week or a fortnight during his re-election for a county.

MR. STUART WORTLEY pointed out to the opponents of the Bill that the existing law did not oblige a Minister, who continued to hold office, though in a new Administration, to go back to his constituents, provided he retained the same office. It struck him that the present state of things, which the Bill proposed to alter, created great inconvenience, for, as almost every Member of Government since the passing of the Reform Bill was obliged to represent a popular constituency, it practically too much embarrassed the prerogative of the Crown in the choice of its servants and proved an impediment to putting the right men in the right places.

MR. BECKETT DENISON should vote for the Bill, because he thought it would prove advantageous to the Crown in respect to the choice of its Ministers, and in the case of large counties, such as Yorkshire, he believed that re-elections, on account of the change of one office for another, would be deemed extremely inconvenient.

Question put, "That the word 'now' stand part of the Question.

The House *divided:*—Ayes 69; Noes 73: Majority 4.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for six months.

CONVENTION WITH SARDINIA BILL.

Order for Second Reading read.

THE CHANCELLOR OF THE EXCHEQUER said, this Bill had not yet been printed; but it simply empowered the Government to raise the funds necessary for giving effect to the Convention with Sardinia. The clauses were not likely to give rise to any discussion; but if any hon. Member wished to address the House upon the subject, he would have an opportunity of doing so on going into Committee. Under these circumstances he hoped the House would agree to the second reading now.

Bill read 2°.

The House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, March 29, 1855.

MINUTES.] PUBLIC BILLS.—2ª Intramural Burials (Ireland).

3ª Despatch of Business (Court of Chancery).

INTRAMURAL BURIALS (IRELAND) BILL.

Order of the day for the Second Reading read.

Moved, " That the Bill be now read 2ª.

THE BISHOP OF EXETER moved that the Bill should be read a second time that day six months. His opposition to the Bill was occasioned by the circumstance that while it gave powers to the Government, by an order in Council, for the closing of existing burial grounds, it did not impose the slightest obligation to provide other burial grounds for the parishes and places the grounds of which were so closed. As the church could not recognise burials, except in consecrated ground, it might hence arise that the people of Ireland might be prevented from burying their dead according to the law of the church.

THE BISHOP OF LONDON called attention to the evils which had attended the English measure, and to the scenes of indecency which were daily taking place in parishes at the east end of London, in consequence of burial grounds having been closed before new ones had been provided. When he last called attention to this subject, a noble Friend of his (the Earl of Aberdeen) promised that something should be done to remove the evil, yet at the present moment bodies were taken in all kinds of conveyances to unconsecrated ground, buried a great number in the same grave, and divine service, as it was called, read over them by the gravedigger, who slipped on a surplice for the purpose. It was impossible to describe the scenes of abominable indecency which daily occurred in consequence of this defect of the law, which permitting the closing of one burial ground before another had been provided to supply its place. It was the bounden duty of the Government to correct so great a social and moral evil, by making some provision for the decent burial of the dead; and as there was an absolute necessity for some remedy, he should, after Easter, call their Lordships' attention to the subject.

EARL GRANVILLE was understood to say, that some inconvenience had indeed followed the operation of the law in certain parts of the metropolis, but that the local authorities were now bestirring themselves to provide a remedy. By the English act, a board elected by the rate payers had power to provide a new burial ground; in Ireland it would be impracticable to apply the same provisions, without the risk of occasioning unseemly disputes.

LORD MONTEAGLE thought it better to suspend the operation of this Bill, which would only remedy one evil by creating another.

THE EARL OF WICKLOW, thinking some measure of this kind was required in Ireland, did not wish to oppose the present Bill. He suggested that the noble Earl (Earl Granville) should take the second reading now, with the distinct understanding that he would postpone the further stages of the Bill until after Easter, and that if he could not insert provisions to meet the objections which had been urged against it, he would not persevere with it.

THE BISHOP OF EXETER said, he had not the slightest wish to press his motion, provided he obtained from the Lord President an assurance that some provisions should be made to meet the objection which he had made.

EARL GRANVILLE expressed his willingness to adopt the suggestion of the noble Earl (the Earl of Wicklow), and to postpone the further stages of the Bill until after Easter.

EARL GREY thought that the subject alluded to by the right rev. Prelate (the Bishop of London) ought not to be allowed to rest where it did. Last year the House was horrified at the statement which was then laid before it by the right rev. Prelate, as to the working of the Metropolitan Interment Act. He (Earl Grey) ventured at the time to recommend that he should not be satisfied with the assurance of the Government that something should be done, but that he should adopt a course

which he hoped the right rev. Prelate would now take, namely, to move for a Select Committee, which should inquire into the question and ascertain whose fault it was that these abuses had been allowed to exist. Having ascertained that, Parliament would be in a proper situation to insist upon the application of some remedy. As the provision of new burial grounds would require the raising of funds, either by rates or otherwise, it would be necessary that a measure should be introduced into the other House of Parliament; and he hoped that the Government would consider whether the best course would not be to bring a new Bill into the other House, which should be passed by that House before their Lordships should be asked to consent to it.

LORD REDESDALE said, that this Bill provided for the summary closing of burial grounds, and ought to contain an equally summary provision for the opening of new ones. If not, the disgusting scenes now presented in the east of London would be repeated, perhaps exceeded in Ireland. He believed that in some parishes in the metropolis carts might be seen conveying the coffins of paupers to the graves, into which they were thrown with almost as little ceremony as if they were the remains of animals.

THE BISHOP OF EXETER having withdrawn his amendment,

Motion *agreed to;* Bill read 2° accordingly, and *committed* to a Committee of the whole House.

MILITIA (IRELAND) BILL.

Order of the Day for the Third Reading read.

THE EARL OF WICKLOW objected to the measure being passed with so little delay between its stages. The object of the Bill was to give three months' time to the officers of the Irish militia in which to lodge their qualifications, in default of which they became liable to certain penalties. It was rather hard to introduce this Bill at the present moment. If its provisions had been introduced into the Bill of last year no complaint could have been made, but the officers had since incurred the expense of uniforms, &c., and there were captains who were qualified at the time they received their commissions, but who had since lost their qualifications, and would now be unable to lodge them in compliance with the Act.

LORD PANMURE said, that he had

moved the third reading that night because he was not aware that there were any objections to the passing of the measure. As, however, there seemed to be some, he had no objection to postpone that step until after Easter.

THE EARL OF ELLENBOROUGH: My Lords, a few days ago I moved for returns relative to the militia, which met the approval of the Minister of War, and were ordered by the House to be printed. These returns referred to the number of men who had volunteered from the different regiments of militia into the regiments of the line and the artillery, and the Royal marines. The noble Lord had recently issued a circular, of which I approve; and I certainly think the noble Lord the Minister of War has done all that under the circumstances could be done, disagreeable and difficult as those circumstances are, in giving the additional bounty to the militia, although they were enlisted under the Act of 1852. Those persons entered the militia before the 12th of May, last year, and are now, under the operation of the Act, legally compelled to remain permanently with the embodied militia; but, until the noble Lord and the House shall see the result of the proposition which the noble Lord has made, there must still be considerable anxiety upon the subject, and even that which we have before us is sufficient to excite great alarm. We have before us the fact that, the establishment of the militia being 136,000 effective men, the number of effective men is now only 44,000, and I am afraid that, under the operation of the difficulties which have now arisen, the number of those effective men will be very materially reduced. I certainly am of opinion that it is to keeping up the militia nearly to its full complement that we must in a great measure look for filling the ranks of the regiments of the regular army during the war. I find that during the period from 1803 to 1813, while 116,000 men were obtained by ordinary recruiting for the regular army, 100,000 men were at the same time obtained from the militia; and while the establishment of the militia then amounted to 93,000 men, the number of effectives in the last year of the war was 63,000. Under the operation of the law, therefore, as it then existed, you drew from your militia a number of men nearly equal to the number you otherwise obtained for the regular army, and, at the same time, during five or six years at the conclusion of the war the effective force of the militia suffered no diminution, notwithstanding these constant draughts into the line. I apprehend it is to a similar source we must look at present; but, disregarding all the experience we might derive from the past, we are now attempting to establish and maintain a militia, not only without having recourse to the ballot, but without substituting any coercive measure whatever in the districts from which that militia is to be obtained. I apprehend it is perfectly impossible for us to continue in that course. But while I again —I fear for the third or fourth time— earnestly press this matter upon your Lordships' attention, there is another matter to which I particularly desire to draw the immediate attention of the noble Lord the Minister of War—It is this—while we have so much difficulty in obtaining men for the regular army and keeping it up to its establishment, it is surely of the highest necessity that we should be able to avail ourselves in the field of the effective services of every man who carries a bayonet. I believe that if the noble Lord will make inquiry he will find that at the present moment, in the Crimea, the number of good soldiers who have become non-effectives in consequence of being employed as servants, bâtmen, clerks in offices, and under the commissariat, is so very large as most materially to diminish the efficiency of the regiments in the field. I am afraid to state the proportion which the persons so abstracted from the real strength of the regiments bears to the total effective strength of those regiments. I know the fact, but I am sure I should not obtain credence if I were to state the numbers to your Lordships; but I earnestly desire the noble Lord to give his immediate attention to the subject. Be it understood that the best men, not the worst, are taken for these services, and the consequence is that the raw recruits, the raw lads, are employed in preference to the best and strongest men in the performance of duties of the most arduous kind. It is not in the Crimea that this difficulty can be met. The army is not in a populous country, the inhabitants of which can assist the commissariat in providing provisions, or can be employed in the different offices; that country is not like India, in which every fighting man is left for fighting purposes alone; because, in the Crimea, persons are taken from the effectives of the army to perform civil duties which it is absolutely essential should be performed. These duties must be performed; and unless persons qualified to perform them are sent from this country, or are found elsewhere, it is impossible for the General Commanding in Chief to restore to the ranks the good soldiers who have been taken from it. I can assure the noble Lord and the House that this is a difficulty—I may almost say a danger—of the most pressing urgency. There is another point to which I must request to draw the noble Lord's attention. When the noble Lord stated the appointment of Lieutenant Colonel M'Murdo to the command of the land transport corps, I entirely approved of the appointment of the individual and the formation of the corps, which I thought was a very great practical improvement; but I gave the noble Lord this advice: I told him that unless he confided to the officer who had the direction of that corps the power to feed his own animals, the corps would become inefficient and the animals would be starved. I said, besides, that it was necessary that that officer should have at his disposal vessels by which he might transport food for the animals to the Crimea. I beg to repeat that suggestion most earnestly; for I feel even more satisfied now than when I first made it, about two months ago, that if the feeding of these animals is left to the ordinary commissariat they will be starved by the same mismanagement as that by which the other animals have hitherto been starved. Observe, my Lords, what will be the consequence. It is idle for any man to expect that, proceeding as the army now proceeds, it can ever succeed in taking Sebastopol; no reasonable man can entertain that expectation. It is only by making the army moveable, by enabling it to enter the field and beat the enemy in the field, and drive him from the neighbourhood of the fortress, that ultimate success can be obtained. But, unless you establish a system by which not only these animals may be supplied and kept in good order, and the persons attending them kept in good discipline, but by which the animals may also be fed, you deprive yourselves altogether of the only hope you have of the successful termination of the war. As the matter now stands, every arrangement of the commissariat is directly the reverse of that which should be established with a view to the efficiency of the service. All the persons at the head of it are civilians, all the subordinates are soldiers; the exact reverse is the true principle upon which you ought to proceed—all the superior officers ought to be military officers, and all the subordinates ought to be taken from any source rather than from the army in the field.

LORD PANMURE: I think that the noble Earl is under some misconception with regard to the number of the militia, for when I stated that the number of effective men belonging to it in England was 44,000, I did not include the effectives of the Scotch and Irish militia. I do not know that I quite agree with the noble Earl in thinking that the militia is entirely to be looked upon as a nursery for the line, although, no doubt, it was so to a very great extent during the last war. The noble Earl must recollect that there are very good grounds for accounting for the present discrepancy between the number of effectives in the militia and the force at which it ought to stand. At this moment we are acting on a totally different principle from that which guided us during the last war; we are endeavouring to accomplish by voluntary means that which could formerly only be accomplished by compulsory means; we are now relying upon the patriotism of the country to supply of its own accord that which the country was compelled to supply during the last war. I should be very sorry if this experiment failed; I should be very much disappointed as to the feeling which ought to exist in this country if it should be unsuccessful. I am not in a condition at this moment to say that it may not fail; but I earnestly hope that the people of this country will think better of the course the Government are pursuing, and that the ranks of the militia will, by voluntary enlistment, be kept in that condition which we have a right to expect. With reference to the noble Earl's remarks respecting the regular army, I am afraid he is not sufficiently acquainted with the history and versed in the details of that branch of the service to know that there has been a contest almost ever since the regular army has been constituted as to keeping up the force of effectives at the number at which it has been borne on the Votes of the House of Commons. There are various reasons to account for reductions in the number of effectives; and, do what you will, even in time of peace, as I have found from my own experience in the War Office, it is almost impossible to maintain the effective strength of the army at the numbers voted by Parliament. With regard to what the noble Earl has said as to the number of effective men in the field, having been greatly reduced by men having been taken for other engagements, to some extent the noble Earl is perfectly right; but I believe that the attention of my noble Friend Lord Raglan must have been turned to this, for, on comparing the last statement, of the 16th of March, with the previous one of the 13th of March, I find that a great reduction has taken place of not fewer than one-half of those who were employed in the camp in the occupations described, who have been transferred to the fighting ranks of the army. I have had some practical experience as to this, and know that the strongest and best men of the regiments are not taken for officers' servants, tailors, shoemakers, and other employments of the camp, but they are generally those men who are least likely to be useful in the field. No doubt they must have gone through the regular discipline to qualify them for the service; but I should be very sorry if the strongest and best men in the regiments were taken for such employments. If we were to follow out the plan which the noble Earl is desirous of seeing carried out, of supplying bâtmen, pioneers, and others, from civilians and the inhabitants of the country, the army would find itself in the state of the Indian army, and, instead of being merely regiments in the field to the amount of 1,000 men, we should have also some 2,000 camp followers attendant upon them; and how, with our Commissariat, could we supply such numbers? I think, if we had to purvey for 3,000 men instead of 1,000, we should experience far greater difficulties than we do at present. Under these circumstances, I think the best mode of proceeding is to carefully watch the evils that might arise from employing the best men in these situations—still to allow the camp duties to be performed by your enlisted men, allowing them such aid by procuring the assistance of the inhabitants of the country as may from time to time be deemed necessary. With reference to the land transport corps, the advice which the noble Earl gave on a former occasion has not failed to attract my notice; it may appear very proper that the land transport corps should be charged with the maintenance of its own animals, but, then, you would have to attach to this corps, not only a body of people to look after the animals, but also a Commissariat of its own; and when you came to add to this the vessels to carry forage to the land transport corps, I think the noble Earl will see that we should be taking from the Commissariat its own proper duties, and should again be falling into that error from which most of our difficulties have arisen, namely, that of dividing the duties of one department between two corps, and not getting them properly performed by either. I therefore think that all responsibility for the transport of cattle, and for the providing of supplies for all the animals of the army, and for all the men, had better be left, as at present, to the Commissariat.

THE EARL OF ELLENBOROUGH: There can be no doubt from what the noble Lord has stated that a great abuse has existed, if between the 13th and the 16th of March the number of regulars in civil occupations in the army has been reduced one-half. My information happens to be of the 12th of March, and I therefore spoke of facts which I thought necessary to bring under the observation of the noble Lord. With respect to dividing the duties of the Commissariat, there seems to me to be a great difference between providing forage for animals and food for human beings, and there could be no difficulty in separating the one from the other. I am not desirous of being a prophet of ill, but I do prophesy, with the most absolute certainty, that my prediction will be fulfilled, if we leave the Commissariat in the Crimea in the hands in which it now is, the animals will be starved and the army will be unable to move.

EARL GREY: I think my noble Friend (Lord Panmure) has come to a right conclusion on the last point to which he referred, and that it would be an error to have one office providing for the horses of the land transport corps, and to have another for providing forage and food for the horses and men of the regular army. Such a system would give rise to the difficulties of former times, and we should have officers raising prices by bidding against each other in the same market. It is quite another thing as to whether the Commissariat should be left in the same hands as at present. On this I can offer no opinion; but of this I am certain, that, providing the Commissariat is placed in good hands, the same hands had better provide the supply of forage both for the horses of the land transport corps and for those of the regular army.

THE EARL OF ELLENBOROUGH: I did not propose to separate the supply of forage for the animals of the land transport corps from that of the cavalry and artillery, but desired that the whole should be supplied by one office—that the food for the animals should be found by one body, and the food for the men by another.

EARL GREY: If the land transport corps were to have to supply forage for all the horses, I think that even such an arrangement would lead to complications and difficulties. But there is another point on which I wish to say a few words. I heard the statement of the noble Earl (the Earl of Ellenborough) with regard to the militia with great apprehension, and I am persuaded that if your Lordship rely on that statement, you will be led to very erroneous conclusions. I have the means, which few of your Lordships can possess, of forming an opinion on this subject; for when I held the office of Secretary at War, circumstances rendered it necessary that I should look closely into the history and operations of the militia during the last war. In doing this, I had the assistance of a gentleman unfortunately now no more, the late Mr. Raper (one of the best public servants the nation ever had). He was thoroughly acquainted with this subject, and from the detailed information which he laid before me, the results at which I arrived were totally different from the statements made by the noble Earl. The noble Earl has said that the militia was the great means of keeping up the army during the late war, and quoted the numbers drawn from the militia into the regular army. That fact, if taken by itself, proves nothing, for at that time the bounties were so arranged that a man had the advantage of at least 2*l*. or 3*l*., if my recollection does not deceive me, by going into the army by the road of the militia, instead of entering the regular army at once. This being the case, the men naturally entered the army through the militia. But with reference to the late war, I would particularly call your attention to the fact, that instead of the compulsory raising of men for the militia having been found useful, it was the very reverse. It was clearly shown to me, by returns of the whole number of men raised for the army and militia together, month by month, that the recruiting for the regular army fell off the moment it became known that you were going to raise men for the militia by the ballot. Instead, therefore, of the militia having been an effective mode of recruiting the regular army, I came to an opposite conclusion to that arrived at by the noble Earl, and was satisfied that it had been injurious to it, and that if the ancient law of England had been maintained, by which volunteering from the militia was prohibited, and if, instead of allowing such volunteering, the bounty for directly entering the army had been increased, more men would by that means have been raised than were obtained from the militia. That is the conclusion to which Mr. Raper came, and in which I agreed after having carefully considered the subject. The Government of that day must, I presume, have been satisfied that the ballot was not upon the whole useful, for, if I am not mistaken, during the last years of the war, when the demand for men was greatest, they discontinued it. But even while the ballot remained in use, the number of men really raised by it for the military service of the country was exceedingly small. It was found that the percentage of balloted men who ever joined the militia regiments was miserably small. The men who served in the militia were almost entirely substitutes, who were obtained by bounties paid by the persons liable to the ballot, who generally belonged to clubs formed for this purpose. Thus, as was stated by a noble Earl, whom I do not see in his place (the Earl of Derby), in explaining his own Militia Bill in the year 1852, the militia during the last war was really raised by bounty, and the only operation of the ballot was to provide the money from which that bounty was paid, not by fair and equal taxation, but by that most unfair of all taxes, an infamous poll tax, which pressed severely on the poorest classes of the community. This was the result of the system of balloting in the late war, and I hope and trust that we shall hear of no proposal for now recurring to a practice so unjust and also so extravagant. As to the strength of the regular army not being able to be maintained unless the militia is brought up to its full complement, I ask whether it is possible that 136,000 men—which I understand to be the proposed number—can be permanently embodied in the militia without interfering with the recruiting for the regular army? The moment your militia is embodied you want the services of precisely the same class of men—namely, those not bound by family or other ties—that you require for the line; and your militia force virtually becomes neither more nor less than another regular army. It is as expensive as troops of the line while it is out on service; but there is this important difference between the two, that you cannot order the militia to go abroad. It appears to me, therefore, that Her Majesty's Government would act on a wiser plan if, instead of resorting to violent measures in order to raise the militia to its full strength, they turned their attention more to the recruiting of the regular army—the true professional service.

THE EARL OF HARDWICKE thought it was an important question for Parliament and the country to consider whether, under the present system of voluntary enlistment, with hardly any bounty, it was possible, even by straining that system to the utmost, to maintain in the field an army of the magnitude which the exigencies of the war demanded. He, for one, was of opinion that it was not possible. Again, as regarded the navy, we had already raised 44,000 seamen, 10,000 boys, and 15,000 marines, and should we be able under the existing system to maintain the present number of ships afloat, and to place still more of them on active service, if it should be necessary for us to do so? These questions had a very important bearing upon the security of our foreign alliances. Foreign nations had the highest opinion of our troops, and the utmost confidence that when in the field their gallantry would secure the victory; but, if our army was again to be wasted as it already had been, and we should be unable to renew its strength with properly disciplined soldiers, then those nations might say that that dependence could not be placed on our power to sustain the brunt of the struggle which the adoption of a different system from our existing one might justify. These were serious considerations, which ought to be pondered over in the public mind; for, if the war was to go on and be prosecuted with vigour, the country must make up its mind to maintain its army and navy in an efficient state.

Order of the Day for the Third Reading *discharged;* and Bill to be read 3ª on *Thursday* the 19th of *April* next.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, March 29, 1855.

MINUTES.] NEW MEMBER SWORN.—For Wilton, Edmund Antrobus, esq.

PUBLIC BILLS.—1° Free Schools; Places of Religious Worship Registration; Church Rates Abolition; Parliamentary Representation (Scotland).

THE BERNAL COLLECTION—QUESTION.

MR. MACARTNEY said, he wished to ask the hon. Secretary of the Treasury whether any, and what, sums of money have been expended on behalf of the nation by the officers of the Society of Arts and Sciences in Marlborough House, and the trustees of the British Museum, in the purchase of articles of *virtù* at the sale of the property of the late Mr. Bernal; and, if so, by whose authority such purchases have been made, without the sanction of Parliament being first obtained.

MR. WILSON said, it was first suggested to the Government that they should purchase the whole of the collection. That suggestion was considered by the Government, and it was decided that the sum of 12,000*l.* should be given to the department of Art and Science for the purpose of purchasing those portions of the collection which they considered necessary to make perfect their present collection, and that 4,000*l.* should be given to the British Museum for the same purpose. The authority on which this was done was an authority vested in the Treasury by that House. 100,000*l.* was granted annually by the House, and the Government had a discretion to expend that sum in the course of the year, furnishing to Parliament at the close of the year a statement of the expenditure. This, and a great variety of other expenditure at the discretion of Government had been incurred under that authority.

MR. MACARTNEY: Under what head of the Estimates does that 100,000*l.* appear?

MR. WILSON: There is a special Estimate by itself in the Civil Contingencies.

CHRISTIAN CONVERTS IN TURKEY—QUESTION.

MR. APSLEY PELLATT said, he begged to ask the First Lord of the Treasury, whether there still existed in Turkey a law which condemns to death a Mussulman convert to Christianity; and, if so, whether this Government, or our allies the French, have or intend exercising their influence to abolish so unjust a punishment?

VISCOUNT PALMERSTON: The hon. Member will see, if he refers to the papers which were laid upon the table in May, 1844, called "Correspondence relative to executions in Turkey for apostasy from Islamism," that Sir Stratford Canning, on the 23rd of March of that year, writes a despatch in which he states that he has obtained an assurance from the Sultan, and a formal document from the Turkish Government, providing that no such executions should take place in future. In giving an account of the audience which he had with the Sultan upon the subject, he says—

> "What passed at this audience is the more important from its formal character; and the Sultan, to give a greater value to it, after I had retired from his presence, called back the dragoman and desired him to assure me that what he had stated in public proceeded from his sincere convictions, and was, in fact, his real and sincere sentiment."

The official document to which Sir Stratford Canning referred stated that, in relinquishing the practice of executions for apostasy, it was the special intention of His Highness the Sultan that the cordial relations with the high Powers should be preserved, and the Sublime Porte engaged to take effectual measures to prevent from henceforward the execution of any persons for apostasy.

Mr. APSLEY PELLATT: Does not that apply to Christians becoming Mussulmans and then apostatising, and not to the case which I have put?

Viscount PALMERSTON: I understand it to apply to the whole case.

STAMP DUTIES ON MATRICULATIONS—QUESTION.

Mr. G. A. HAMILTON said, he wished to ask the right hon. Gentleman the Chancellor of the Exchequer whether it was the intention of the Government to propose during the present Session any measure for abolishing the stamp duties on matriculations and degrees in the Universities of Cambridge and Dublin, and thereby to place students in those Universities in the same position, as regards stamp duties, with students in the Universities of Oxford, Durham, London, the Queen's University in Ireland, and the several Scotch Universities.

The CHANCELLOR of the EXCHEQUER said, it was quite true, as the hon. Gentleman had stated, that in the Oxford University Act the stamp was abandoned by the Government, there being an equivalent given by the University by the payment of the salaried professors whose incomes had been previously provided for out of an annual vote. Trinity College, Dublin, was not in a condition to give a similar equivalent, inasmuch as there was no grant to Trinity College. The equivalent, however, offered was one that would give a public benefit, although it was not one from which the public would derive revenue. The subject was under consideration, and if Government thought themselves justified in making the arrangement which had been adverted to, they would recur to the subject in the course of the present Session.

THE WILTSHIRE MILITIA—QUESTION.

Colonel NORTH said, he desired to ask an explanation of an answer given the other evening by the hon. Gentleman (Mr. F. Peel) the Under Secretary at War, as to the alleged refusal of Lord Methuen, the colonel of the Wilts Militia, to embark his men on board a certain transport ship which had been provided by the Government. The hon. Gentleman had most unaccountably stated that the reason of the refusal of the noble Lord was that the ship was not a steamer but a sailing vessel. He desired to know if the hon. Gentleman meant to convey to the House that this was really the only reason why the noble Lord had objected to embark his men? If so, then he desired the hon. Gentleman to be so good as to explain the sense in which he used the word "object." [Order, order.] If it were intended to prevent his putting such questions as might elicit an explanation of this extraordinary statement on the part of the hon. Gentleman the Under Secretary of War, he (Colonel North) would most assuredly move the adjournment of the House in order to enable himself to speak upon the subject strictly within its technical rules, for the statement of the hon. Gentleman had caused the greatest concern throughout the officers of the army and militia, as this was the first time in the history of the army that any officer had objected to go on board a Government ship simply because it was not a steamer. It must be known that the only reason which could possibly justify a commanding officer in refusing to allow his men to embark on board a vessel must be a conviction that she was in such a state as to render their conveyance in her unsafe. For the sake, then, not merely of the character of Lord Methuen—who would have embarked in a collier if necessary—but for the sake of the discipline and credit of the army at large, he hoped the hon. Gentleman would explain the sense in which he had stated that Lord Methuen had objected to allow his men to embark on board the transport because she was a sailing ship.

Mr. SPEAKER: The hon. Member has forgotten to move the adjournment of the House.

Colonel NORTH then moved that "the House do now adjourn."

Viscount PALMERSTON: I put it to the House whether this kind of proceeding is not exceedingly irregular? First, I object to the practice of putting speeches in the form of questions; and then the hon. and gallant Gentleman, by way of curing that irregularity, fell into another; for I appeal to Mr. Speaker whether, on moving the adjournment, a Member ought not to confine himself to the reasons for the adjournment. Now, Sir, as to the questions put by the hon. and gallant Gentleman, I believe the real fact to have been this: that there was no want of zeal on the part of Lord Methuen, nor any indisposition to do the best that could be done for the service; but it appeared, on an examination of the ship, that she had not the accommodation for all the persons who were to embark on board, and which would be fitting for such a voyage.

Mr. DISRAELI: The House, Sir, ought to recollect that the irregularity of which the noble Lord has complained originated in a correct answer not having been given by the hon. Gentleman the Under Secretary at War to a question of an important character, which was, why the commanding officer of a body of militia had declined to allow his men to embark on board a Government transport. The answer of the hon. Gentleman the Under Secretary at War, on the part of the Government, was, I must say, eminently unsatisfactory. And not only was it unsatisfactory, but it was calculated to lead to serious misconceptions in the public mind as to the state of discipline in the army. This was a matter which it was clear must be brought before the House; and I should have imagined that the hon. Gentleman the Under Secretary at War, would have availed himself of this opportunity to explain his extraordinary statement.

Mr. FREDERICK PEEL said, that Lord Methuen had heard that the Lancashire regiment of Militia had been sent out in a steamer, and had naturally asked for what reason the Wiltshire regiment of Militia was to be sent in a sailing ship.

Motion *withdrawn.*

CONVENTION WITH SARDINIA BILL.

Order for Committee read; House in Committee.

Clause 1.

Mr. FRENCH said, he wished to call attention to the irregular departure from usual practice which had been resorted to on this occasion by the hon. Secretary of the Treasury, who had late yesterday evening, without any notice, got this Bill placed first, in contravention of the rule that on Thursday Motions should have priority of orders.

Lord WILLIAM GRAHAM said, he wished to inquire whether any security had been taken that the Sardinian troops should be armed with the new Minié rifle? because, if they were to be armed with the old musket, they would not be of much use.

Viscount PALMERSTON said, that if there should be a sufficient number of the new muskets ready, of course it would be for the interest of this country, as well as for that of the troops, that they should be armed with that weapon.

Sir HENRY WILLOUGHBY said, he should like to know why the rate of interest was only 3 per cent which had been charged for this loan? Five per cent would have borne a much fairer relation to the existing value of money all over the world. Besides, he should like to know how the money was to be raised? If they had to go into the market to borrow this 2,000,000*l.*, they would find that they could not procure it at 3 per cent.

The CHANCELLOR of the EXCHEQUER said, that the loan was not like one contracted in the open market, and as the time over which the transaction would extend was likely to be a very long one, it had been thought by Her Majesty's Government that 3 per cent would be a reasonable rate of interest. With respect to the manner in which the money would be raised, the hon. Gentleman would see that he (the Chancellor of the Exchequer) could not answer his question without anticipating the statement which it would be his duty to make to the House immediately after Easter.

Mr. BELLEW said, it was clear that the loan was proposed to be made at a rate of interest at which Sardinia could not herself have borrowed the money in the open market. If Her Majesty's Government were going themselves to borrow the money, and if they should find themselves obliged to pay more for it than 3 per cent, then it would not be a loan to Sardinia at all, but a subsidy—a subsidy, at all events, to the extent of the difference between the interest which this country paid and received. He thought it would have been much better to let Sardinia go into the market for herself, even if it should have been necessary for this country to guarantee the loan.

Captain KNOX said, he wished to know whether the Sardinian contingent was to be maintained at its original strength of 15,000 men? He asked this question because, if the auxiliary force had to be fed by our Commissariat, it would be likely to suffer a good deal, and its numbers would soon want replenishing.

Viscount PALMERSTON replied, that the force was to be kept up at 15,000 men; and he certainly hoped that they would not be starved for want of Commissariat supplies.

Clause *agreed to;* as was also Clause 2.

Clause 3. (Accounts to be laid upon the table within twenty-eight days after the meeting of Parliament.)

Mr. MULLINGS said, he begged to point out to the Chancellor of the Exchequer that Parliament might meet in the autumn, and be prorogued within twenty-eight days. In that case, the accounts for the year would not be laid before the House at all.

Mr. WILSON said, that in conformity with former precedents, the accounts, in such a case as the hon. Gentleman had put, would be furnished within twenty-eight days after the adjourned meeting of the House.

Mr. MULLINGS said, he was not quite satisfied with the reply of the hon. Secretary for the Treasury.

The CHANCELLOR of the EXCHEQUER said, he would propose to amend the clause, by adding the words, "after the 1st day of January."

Clause, as amended, *agreed to.*

House resumed.

THE ATTACK ON ODESSA.

Mr. SCOTT said, he would now beg to move the Address of which he had given notice. It was not his intention to occupy the time of the House with many remarks, but he thought that as they had now arrived at the anniversary of the declaration of war, it was not too early to ask for some explanation regarding the first enterprise which had been undertaken, and he also thought that Her Majesty's Government should feel indebted to him for bringing forward this subject, because it afforded them the opportunity of showing their foresight and sagacity if the war had been well conducted, whereas, if it had been mismanaged, it would afford the country an opportunity of correcting the errors which had been committed. There were some few things connected with the war which were already known. It was known that originally the war was to be defrayed out of revenue, but that it had become a charge upon capital; we know that instead of being paid out of six months' income tax, it was now costing the country about 800,000*l.* a week, or 110,000*l.* per day. Last March a small expedition to Malta was thought sufficient, but now it was known that a very large force had gone out of the country, of which a small portion only would return. It was known now that the war had already cost 40,000,000*l.*, and that night the House had agreed to add 2,000,000*l.* to that sum, in the shape of a loan to Sardinia; and it was known, besides, that that vast drain of treasures had also been accompanied by an awful drain of human life. It was known that last summer the Cabinet had decided that there were only three courses open for carrying on the war in the East—either that the troops should return to Constantinople, that they should cross the Danube, or that they should attack Sebastopol, the speedy capture of which was expected. The last course was adopted, but Sebastopol not only had not fallen, but, whereas at first the only channel open to it for supplies was by way of Perekop, now he believed there were three channels open. Was there not a fourth alternative, beyond the three courses proposed by Lord John Russell—namely, to occupy Odessa? The occupation of Odessa by our naval and military forces would have aided the Turks materially by effecting a diversion in their favour in the spring, as it would have protected us in the autumn, by preventing the despatch of those Russian reinforcements which had been arrayed against us in the bloody field of Inkerman. Odessa was at the period to which he alluded, merely a commercial town, with a population of nearly 90,000, and a port capable of containing from 250 to 300 ships. Before the war commenced the late Emperor, perceiving the importance of defending so important a position, ordered it to be fortified, disregarding the objections of Prince Dolgoroucki and other influential persons, who urged that the batteries then proposed to be erected were calculated to provoke an attack on the town. On the 6th of April last year the boats of the steam frigate *Furious* went in with a flag of truce and were fired upon; and upon the 22nd the combined fleets, having received no explanation of this affair, proceeded to bombard the batteries and fortifications. The result was well known. They demolished the fortifications—sunk twelve ships of war in the port—took possession of thirteen transports, and released twenty-four British ships. The magazine containing the military and naval stores was blown up, while neutral and private property was respected. This showed what it was in the power of the allied fleets to do. They left unaccomplished, however, what it was in the power of such a fleet to have done, and afforded the Russians an opportunity of seeing where their fortifications were vulnerable, and of supplying the deficiency. That, however, was immaterial, as compared with the moral effect of this unsatisfactory proceeding. The late Emperor, writing to General Osten-Sacken on the 8th of May, congratulated him upon having "gloriously repelled" the fleets of France and England after they had for twelve hours bombarded the batteries in vain, and declared that the city had been saved from destruction. Now, there was no occasion to have destroyed the city. The fortifications might have been demolished, and the place might have been occupied and rendered untenable for the enemy, to whom this position was of the utmost importance. The importance of the place was shown by an edict of the governor, in which, alluding to the possibility of another attack, he declared that, in that case the inhabitants would be expected to retire from Odessa, "after having reduced the city to ashes," so as to afford no asylum to the allies. If, as was manifest, the Russian Government attached such great importance to that place, the British Parliament had a right to ask the British Government why the attempt had not been made to occupy it before the defences were completed. He knew that many objections might be raised to the course he had taken in bringing the question forward; but, admitting that the privilege of asking for papers involves great responsibility, and is not to be used on light or insufficient occasions, when he considered the vast sacrifice of human life which had followed, when he looked at the bloodshed and the expenditure of the past, and at the prospect for the future, he believed he was justified in making his Motion. He thought that a heavy responsibility would rest on those Ministers who would refuse information. There are many, and I confess that I am among the number, of those who think that much of the responsibility of this war rests on those who concealed from us the real state of affairs, the Government having all the information as to the real designs of the Emperor, both from St. Petersburgh and from Constantinople, before the war broke out, deluded Parliament and the nation by declaring that "Russia had no designs on Turkey," and that "we could not possibly be involved in war;" and thus, unprepared, we had drifted into war, and had taken a desperate leap in the dark. Some Gentlemen might think that the question was too soon, others that it was too remote. But what took place a year ago, and what was a *fait accompli,* could not be fairly open to this objection. It might be said that the present was not the same Government as were responsible for the acts of last year; but while the present Government contained the same Members, and was in fact identical with the last, he thought he was justified in considering it the same Government. Another objection might be raised by those who would say —would you have demolished the place, destroyed the city, and sacked the town? But that, as he had previously stated, would not have been necessary. Then the parsimony of the House might be pleaded to make out that the Government was not responsible for our defective enterprises; but that was good cause for seeing that the House was not placed in such a position in future. It might too, and probably would, be objected, that the production of the correspondence would injure the public service. But that objection might be, and indeed had been, carried on too far. Another, and, perhaps, the most important objection to inquiry was, that in a question of this nature our allies would be implicated in an awkward manner. It may be quite true that Admiral Dundas was not the superior officer in the Allied fleet; it may also be true that the fleet of our Allies was subordinate to the other arm of force. I admit the full force of an objection resting on this circumstance, if the attack on Odessa were a chance which, not being seized or fully effected on the 22nd of April, never could be resumed; but it was an event for which ample opportunities offered themselve from April to September, it was an event which the Russians expected would recur, and during the whole summer of 1854 there was time for the Cabinet of St. James to come to some decision on the subject, and, in fact, they must both have deliberated and decided on the project, and have communicated with the Cabinet of the Tuilleries, and have written their instructions to the

Admirals. If the argument of detriment to the public service is to be used with caution, that of embarrassing us with our powerful neighbour requires still more. We all remember the awful warnings of the right hon. Baronet (Sir J. Graham) on the Sebastopol Committee; we remember the whisperings that the French Emperor would dissolve the connection, or that Parliament must be dissolved, to get rid of a Committee so obnoxious to Louis Napoleon. He is not the Prince quietly to sit under the blame of our mismanagement; if reflections be cast, he will see that they do not fall on him. You cannot use this stalking-horse as a *cheval de bataille*, and, looking to the past inactivity of our fleet in the Black Sea, he was not prepared to admit the validity of such an objection. It is said to be unusual to produce the instructions to commanders; such events as those of last year happily are unusual. He entirely denied that the Motion was without precedent. In the year 1807, as in the year 1854, an expedition from this country passed the Dardanelles. In that year Sir John Duckworth appeared before Constantinople with seven ships of the line and four frigates. His delay alone rendered his expedition fruitless, and he returned without having accomplished the object of the expedition, and in the following year, though the war continued, no less than four Motions were brought forward in Parliament in reference to the subject, and, instead of resisting inquiry, the Government consented to lay upon the table all papers bearing upon the case between the Home Government, the Ambassador, and Lord Collingwood, and between Lord Collingwood and Sir John Duckworth. The object of the present Motion was merely to ascertain whether the conduct of Admiral Dundas or of the Government was open to censure. He had never entertained the idea of calling in question the personal courage of Admiral Dundas, but he desired to know what amount of discretion the Admiral had exercised, and what powers had been vested in him? *Palmam qui meruit ferat.* If he deserved censure or praise he should have it. Admiral Dundas had been placed at the head of one of the finest fleets that ever left this country. He had had under his command no less than forty ships of war, with an armament of 1,300 guns and manned by 14,000 sailors; and what had been the result of the operations of that fleet? Shortly after it entered the Black Sea, one vessel, the *Tiger*, ran ashore and was lost, and soon afterwards, in defiance of the near presence of the allied fleets, twelve Russian vessels appeared upon the coast of Circassia, and safely carried off 5,000 of the picked troops of Russia, together with batteries, stores, and provisions? We know that the *Vladimir* steam-frigate came out of Sebastopol, and, in spite of the combined fleets, after scouring the Black Sea and sinking several Turkish vessels, returned safely into harbour. We know that the fleet blockaded neither the Black Sea nor that of Azoff, as if there were no time during four summer months to learn which was according to the law of nations, the blockade of Odessa and the blockade of the Straits of Kertch, or that of the Bosphorus, which had been proposed. As our fleet had not been engaged in any useful operations before July, and as cholera had not then broken out, he wished to know, for the sake of Admiral Dundas himself, why no advantageous expedition had been undertaken before the services of the fleet were required in conveying the troops to the Crimea. Why did these magnificent preparations end only in disappointment and expense?—

> "Parturiunt montes, nascitur ridiculus mus."

He might, perhaps, be told that ample discretion had been left to Admiral Dundas; but was that discretion fettered and clogged in such a manner that the Admiral ran all the risk while the Government received all the praise? Personally, it is only fair to Admiral Dundas—but this matter has a wider bearing; for if no information were given by the Government, the effect would be to prevent high public men from undertaking important enterprises, under the impression that they might be left to lie under a cloud of dark insinuations, or be rendered liable to unworthy attacks. Admiral Napier in his letter said, that "no officer of honour or character was safe;" and while he complains that in October he was goaded to risk Her Majesty's fleet in the Baltic, we ought to know why nothing was done in summer in the Black Sea. When Nelson was alive, Sir Robert Calder attacked the fleet of Villeneuve with an inferior force. He defeated the French Admiral and captured two large Spanish vessels, but though victorious, the people at home were so dissatisfied with his conduct, that upon arriving in England he underwent a court-martial and received a severe reprimand. Surely, then, if in such an instance inquiry was desirable, it was much more requisite in a case of this description. The running into Curaçoa harbour, 100 yards wide, the capture of that place, with its ships and batteries, was but a morning's work for Captain Brisbane in 1807, with only four frigates; could not Admiral Dundas have done as much? If so, why did he not? We are compelled to credit the surmises we have heard respecting the conduct of the war; that we are "conducting the war with the least possible interruption to the usual operations of trade"—so said the hon. Gentleman (Mr. Cardwell); but how does this apply to Odessa? No doubt Odessa was a most important commercial town, but of late it had become something more—namely, a depôt for stores, provisions, and munitions of war, and at any rate it ought to have been occupied by the allies. By the course which had been pursued the trade in that quarter had been closed to us and opened only to the Greeks. By neither occupying Odessa nor blockading it, and by leaving trade open to others which we closed to ourselves, we had done exactly the reverse of what the Board of Trade desired; the consequences to commerce have been to transfer to foreigners the British trade, to give the gain to Greeks the friends of Russia, to keep the losses to ourselves, to pay the enemy for their troops in money, to raise or maintain the rates of exchange in Russia, and to render a losing concern the rising trade to India and our Colonies. *The Economist* said, last autumn, "While Russian exports here remained the same, British exports thither had greatly declined." The merchants of Bristol complain that the peace of the Board of Trade with the war of the Horse Guards, is injurious to them. Odessa was spared on principles of commerce and humanity;—we send coin and lead to the Czar to conduct his war, as we sent arms and ammunition to the Kafirs, and look at the exchange! We tenderly give the quarter to Russian property they barbarously refuse to our wounded men. The enemy is weakest in credit, we spare and uphold him when he is weak. Your vicious mercantile system, untrue to trade, has been as false to humanity; your counters have been human heads, and your economy and humanity alike faulty. The red ink in which you have made out your commercial balance-sheet, has been the blood of the victims of your mercantile policy which spared Odessa. Every man in the Crimea cost the country 100*l.* to get there, and every man whose death is due to Odessa spared, paid it an item to your expenditure. The unfortunate result of this course was that we had been paying for Russian tallow with human blood, and bartering the lives of our own men for Russian hemp. Her Majesty's Ministers had stated this winter that they never expected the Russian *corps d'armée* could have been conveyed from Odessa to Sebastopol so rapidly as they had been moved, to the glorious, but dreadful and fruitless field of Inkermann, where they surprised us, and caused such fearful carnage; but when they left Russia the means of moving her troops, they should have expected that she would avail herself of those means. Since the consequences of leaving Odessa, a fortified city, in the hands of the enemy had been so fatal to our troops, he thought it was due to Admiral Dundas, to the troops who had fallen, to the survivors, to those who were mourning the loss of relatives, and to the people of this country, who had to bear the cost of the war, that they should have some information on this subject. Reference had been made to the disasters that had taken place in previous wars; but they might in the present instance lay claim to originality, they had gone to war in ignorance, as Lord Clarendon admitted, of the treaties which justified the war, in ignorance of the nature or power of the country they opposed, in ignorance of the character of the man with whom they were to be engaged, and of the troops that were to be encountered. The causes by which they had drifted into this war were concealed from the House, and he hardly thought the Government would also conceal from them the instructions that had been given with respect to the first operation in that war.

MR. BENTINCK seconded the Motion.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions, that there be laid before this House, Copies of the Instructions relative to the Attack on Odessa, given to the Commander in Chief in the Mediterranean and Black Sea; and Copies of, or Extracts from, all Correspondence relating thereto."

SIR CHARLES WOOD said, the same reasons which induced him to object altogether to the Motion would also preclude him from adverting in any detail to the only portion of the observations of the hon. Gentleman which had the slightest reference to his Motion. He (Sir C. Wood) should not be justified in troubling the House with statistical information respecting the inhabitants of Odessa, and some other matters to which the hon. Member had referred, which had no connection whatever with the Motion; neither would he advert to the objections which the hon. Gentleman—creating giants in order that he might slay them—had said might be raised to his Resolution. His (Sir C. Wood's) objection to the Motion rested on a very simple ground, and he thought the great majority of the House would concur with him in opinion that the proposition was one which ought not to have been submitted to the House. The hon. Gentleman moved for the production of those instructions under which our Admirals in the Black Sea were now acting, and of correspondence which had reference to those instructions. Hon. Gentlemen must see that if such instructions and correspondence were produced, they would at once disclose to our enemies, the Russians, the possible intentions of our commanding officers in the Black Sea, and the views they took as to the advisability and possibility, or otherwise, of making an attack upon Odessa. He must certainly admit that hon. Members of that House, and other persons elsewhere, had gone great lengths in disclosing to the enemy the position of affairs at the seat of war, but the hon. Gentleman opposite (Mr. Scott) went still further, and proposed to let the enemy know not only what the state of things was, but what were the present and future intentions of the Government. It was bad enough that correspondents of newspapers should have disclosed to the Russians the position of the batteries and magazines of the Allies. Improper as such communications were, an attempt had been made to justify them on the ground that the persons making them fully believed that before the intelligence could be conveyed to Russia, Sebastopol would have been taken. The result showed how unjustifiable such communications were, but the hon. Gentleman proposed to adopt a course which the slightest reflection and the experience of all ages showed to be fraught with the most mischievous and prejudicial consequences to the interests of the country. They could not fail to remember that one of the greatest operations of ancient warfare, undertaken by a Carthaginian general, and which placed the fate of Rome in peril, was defeated by the secret march of the Roman Consuls. Had electric telegraphs and "our own correspondents" been employed during the military operations of the Duke of Wellington in the Peninsula, some of the most successful movements of that distinguished commander might have proved abortive. At some future time it might be a very proper subject for consideration whether the instructions and correspondence for which the hon. Member asked might not be produced, but he (Sir C. Wood) altogether objected to their disclosure at the present moment, and while hostilities were pending. The operations of the commanding officers, both naval and military, would be a very fair subject of criticism in after times. Great commanders had always been severely criticised. The most adverse opinions had been expressed as to the conduct of the Duke of Wellington throughout the Peninsular campaigns, and a very able officer of the British army had written some amusing volumes to prove that Napoleon was utterly ignorant of the art of war. He (Sir C. Wood) could not, however, conceive anything more mischievous than that the House should consent to the proposal that instructions and correspondence which, according to the showing of the hon. Gentleman himself, contained the views of our commanders with respect to attacking the enemy's ports should be made public. He thought it was not unreasonable on the part of the Government to ask the House to refuse the hon. Gentleman's request, for our commanders on the spot must be supposed to know far better than any one at home what course it was most advisable for them to pursue under existing circumstances. The war in which they were engaged was one of no light importance, one in which great and mighty interests were concerned, and objects of greater moment than that which seemed to be that of the hon. Gentleman, and which he could not better describe than in the words of the Roman poet, in the sneer which was levelled at a great commander of antiquity—

> "Ut pueris placeas, et declamatio fias."

MR. MITCHELL said, he had been informed, on good authority, that the usual number of troops in Odessa was from 5,000 to 6,000 men, that there were not barracks for more than that number, and that when a larger force happened to be in the place, the authorities were obliged to billet them upon the inhabitants. His informant also said, that since the month of May, 1854, no troops had been billeted at private houses, and he (Mr. Mitchell) thought, therefore, it was clear that since that month there had been no addition, even temporarily, to the garrison of Odessa. By far the greater proportion of the Russian troops sent to the Crimea had never gone to Odessa at all, and the munitions of war sent to the Russian army had been principally conveyed from the east of the Crimea, and had not passed through Odessa. The hon. Gentleman (Mr. Scott) had spoken of large magazines and stores existing at Odessa, but there were no other magazines or stores in that city than were necessary for the supply of the regular garrison. As to the permanent occupation of Odessa, unless they were prepared with a large army to stop there, the thing was impossible.

SIR GEORGE PECHELL said, he hoped it was not the intention of the hon. Gentleman opposite to cast any reflection on Admiral Dundas. If the papers for which he asked were produced they would completely establish the reputation of that gallant Admiral, than whom a more able or vigilant officer did not exist. There had been but one ship of his, the *Tiger*, that endured any calamity.

MR. A. STAFFORD said, he thanked the hon. and gallant Member for Brighton (Sir G. Pechell) for affording him an opportunity of adverting to the conduct of Admiral Dundas, which it was not too much to say had been severely criticised upon some former occasions. He believed that the defence of Admiral Dundas was to be found in the speech of the gallant Admiral who had just resumed his seat. As far as Admiral Dundas was individually concerned, he was sure that nothing would gratify him more than that every paper transmitted to him since he had assumed his great command, should be laid upon the table of the House. If, however, any member of the Government thought it was not conducive to the interests of the public service that the papers should be produced, no one would be more ready to endure criticism, or to submit to attacks and imputations, and to submit to them in silence, as was the duty of any man accepting a post of such difficulty, than Admiral Dundas. And he would take that opportunity of saying that he thought the House must feel that the silence of Admiral Dundas under all the imputations cast upon him contrasted favourably with some examples recently before them. It was the fashion to say that, when Admiral Dundas was removed from the command, Odessa would fall, and Sebastopol would be taken. Well, the gallant Admiral had been removed, but Odessa had not yet fallen, nor had Sebastopol been yet taken. He entirely approved of the reasons alleged by the right hon. Baronet (Sir C. Wood) for refusing these papers, and he therefore trusted his hon. Friend (Mr. Scott) would not divide the House, as it would be his duty, if such should be his intent, to divide against him. However, he only rose for the purpose of bearing his humble testimony to the prudence and vigilance of a gallant Friend of his, whose conduct had been severely criticised, and to express his approbation of the manner in which he had performed his duty, for which he merited the sympathy of the House.

MR. SCOTT said, he could have no objection to withdraw the Motion if the current of opinion was against it. Nothing was further from his intention than to cast any reflection on the conduct of Admiral Dundas; and he believed that if the papers were produced they would remove every shadow of a stain from the character and conduct of the gallant Admiral. He hoped, however, some Member of the Government would state that Admiral Dundas had done all that he had it in his power to do.

VISCOUNT PALMERSTON: Sir, in reply to the invitation of the hon. Gentleman, I beg to say that I am not aware that any censure or imputation can be cast upon Admiral Dundas. Admiral Dundas stands as high as any gallant officer in Her Majesty's naval service. His conduct, while employed, has not done anything but honour to him, and if he should be employed again, I am sure he will deserve equal credit for the discharge of the duties that may be imposed upon him. The hon. Gentleman did not cast any imputation upon Admiral Dundas, and therefore my right hon. Friend (Sir C. Wood) did not think it necessary to vindicate him. Nobody accused Hercules, and there was no necessity to make his defence.

Motion, by leave, *withdrawn.*

CASE OF THE EARL OF LUCAN.

MR. H. BERKELEY said, it might, perhaps, be thought that the Motion he was about to submit to the House would have been better in the hands of a military man. He could only say that, owing to the absence, through illness, of a gallant relative of his, the Member for Cheltenham, he now had the honour to stand in his place. At the same time, he must say that he had met with no military difficulties in this case which should prevent any civilian from undertaking it, and it was his intention, as much as possible, to keep clear of all military technicalities. He took it for granted that there never was a time when our soldiers were more dear to the nation than they were at that moment. Their brilliant gallantry, their patient endurance of suffering, their intelligence, and the high moral tone which beamed forth in the correspondence of all ranks of the army entitled them to our respect and gratitude, and, he would fain hope, to our protection. Was it not their duty then, as the representatives of the people, narrowly to watch over the safety and interests of such an army? Already the people, through the mouths of a large majority of their representatives, demanded inquiry into the destruction of our gallant countrymen by withholding from them the absolute necessaries of life—fuel, food, raiment, and medical comforts; and the late Ministry, by opposing the appointment of the Committee on the Army before Sebastopol, had not only sacrificed their places, but, he believed, lost caste with the country. Their efforts, however, were in vain. The Committee had been appointed and was worthily doing its duty, and the result of its labours promised to be most satisfactory to the nation. He was there, however, to ask for an inquiry into the destruction of a particular portion of our army, namely, of a body of 300 soldiers, as brave as ever drew sword or put foot in stirrup, who, it was admitted, had been uselessly and wantonly sacrificed in an attempt of which there was no possibility of success, and where defeat was certain. He was not about to ask the House to grant a Committee to inquire into that loss, but, inasmuch as there already existed a proper tribunal to investigate the conduct of those composing the army, whether officers or men, and the Horse Guards having proved as much opposed to inquiry as the Ministry, it seemed to him advisable that they should address Her Majesty, praying that She would direct a court-martial to be held on the officer who was charged with being the cause of the wanton destruction of those men. He was at a loss to understand on what principle such an inquiry had been refused. Courts-martial could be held upon a couple of boys who had dragged each other out of bed and beaten each other about the head with candlesticks; but, when the subject of inquiry was the wanton destruction of 300 men, it was not conceded by the Government. The care of human life was peculiarly English, and the country was renowned as being the safest in the world to live in. Laws were passed not only to punish those who wilfully took life, but those who by their ignorance, carelessness, neglect, or incompetence, were the occasion of its loss. Should a railway servant cause the death of any person while in the execution of his duty, it was no apology for him to say that he made a mistake or misconceived the orders of the board of directors; he was held to be criminally liable; and in like manner recently had been the driver of an omnibus who had accidentally driven against a truck and killed the boy in charge of it. Why was it, then, that Parliament would not extend that protection to our gallant soldiers which it willingly afforded to railway travellers or boys employed about the streets? Were they prepared to say that the moment Englishmen put on Her Majesty's uniform they forfeited all claim to protection or sympathy? Were they prepared to treat them as mere food for powder? If so, at all events, let them clearly understand it. Let the commanders speak of the battle of Balaklava in the same strain as Falstaff of the battle of Shrewsbury, and with him say, "I have led my ragamuffins where they are well peppered; out of 150 there are but three left alive, and they are for the town's end to beg for life." Was that the way to treat our soldiers? If the lives of those gallant men, who were prepared to shed their "golden blood" like water, at the command of their officers, were dear to their country, ought they not to be protected from commands falling from the lips of ignorance and incompetence? He was there to ask for inquiry into the conduct of Lieutenant General the Earl of Lucan, because he believed that, through the misconception of an order received by him, the disaster at Balaklava had been occasioned. In consequence of that fatal mistake not only were 300 soldiers slain, but he might mention, though it was a minor consideration, the country had lost 360 horses, estimated with their equipments at the value of 160*l.* each; and, in point of fact, the Brigade of Light Cavalry, at that time in the Crimea, had been almost annihilated. In bringing this subject forward he was animated by no personal feeling of animosity against Lord Lucan, he had no enmity whatever to gratify, but he did it simply in the fulfilment of what he conceived to be his duty. He made no charge against the honour or the courage of Lord Lucan, he believed them both to be undoubted; but a grievous wrong had been done to our troops, and an inquiry into the matter would be received with joy by the whole army, for it would prove to them in what esteem they were held by that House, and would be a guarantee against the recurrence of similar mistakes. It, therefore, seemed to him that the present course was the only one which he could take; the sanction of the House was required to find the ways and means for the support of the naval and military force of the nation, and it was, therefore, their duty carefully to guard the interests and well-being of both services. The House of Commons having, however, placed those services at the disposal of the Crown, if it should decide that a case of wrong had been made out, it was its duty humbly to address Her Majesty, praying Her to institute a court-martial upon the offending party. He did not, therefore, ask for a court-martial on the ground that any officer was aggrieved, he did not ask for a court-martial for Lord Lucan, but he stood up to ask for a court-martial against Lord Lucan. In order to place before the House the grounds of his Motion, it would be necessary for him to state briefly a few of the particulars of the battle of Balaklava more immediately connected with the brilliant but most disastrous charge of the light cavalry. The Russians had advanced in great force, variously estimated at from 20,000 to 30,000 men, they had driven in the Turks, and, flushed with their easy conquest over the "true believers," they advanced with a portion of their cavalry against Sir Colin Campbell, who easily repulsed them with his gallant Highlanders. Another portion of the cavalry advanced against our heavy brigade, and were also defeated, and retreated in confusion. He begged the House to observe it was late in the day, and at a period when the Russians were in retreat, and, as Lord Raglan imagined, were attempting to carry off the guns deserted by the Turks, that his Lordship issued the following order, than which, he (Mr. Berkeley) conceived, nothing could be more clear or precise for the purpose it was intended to serve—

> "Lord Raglan wishes the cavalry to advance rapidly to the front, follow the enemy,"—mark that word—"and try to prevent the enemy carrying away the guns. A troop of horse artillery may accompany. The French cavalry is on your left. Immediate. (Signed) AIREY."

Lord Raglan issued that order, and Lord Lucan on the strength of it—though it could only be interpreted as a direction to follow in the rear of a broken force and harass its retreat—caused a body of 670 Light Dragoons to charge the whole Russian army, horse, foot, and artillery formed and in position 20,000 strong. It would be observed that there was no army in retreat, which Lord Lucan could follow according to the order, but an army with their faces towards him and in the strongest position that an army could possibly be in. The whole of the case he had to submit to the House hinged on Lord Raglan's order, and if there could be found in it one word which could extenuate Lord Lucan's conduct, most gladly would he make a present of it to the noble Lord; but the more it was dissected and analysed the more clear did Lord Raglan's intention become. In the first place, no order whatever was given by Lord Raglan to charge, the order being to follow the enemy and try to prevent his carrying away the guns. The mode of doing that was left entirely to Lord Lucan. The direction to follow certainly could not be applied to a stationary force, for it was impossible to follow a man who did not run away. But one point of the order which made Lord Raglan's intention more clear than another was the permission given to Lord Lucan to send a troop of horse artillery, for nothing could be more proper than that a couple of light guns should be sent with a brigade of light cavalry to protect it from the cloud of the enemy's cavalry which might be thrown out to cover the enemy's retreat; but, to suppose Lord Raglan contemplated that a troop with guns, merely six pounders, should follow and blaze away against the whole of the enemy's guns, some of them of very large calibre, was as absurd as to suppose that he contemplated 670 dragoons dealing with the whole of the enemy's army. The fact was, that Lord Lucan was ordered to do one thing, the necessity for which had passed away, and on his own responsibility he did another thing, and that the worst thing in the world he could have done. Why, if Lord Lucan had been ordered to embark his cavalry at Dover, and, not finding any transports there, had then commanded his men to ride over Shakespeare's cliff into the sea, he could not much more have misconceived the order, or committed an error more fatal to his men than he did at Balaklava. It certainly was strange that the noble Lord should have misconceived one of the most intelligible orders ever issued. Lord Raglan, in his despatch after the battle of Balaklava, said—

> "Lord Lucan was ordered to advance rapidly and follow the enemy in their retreat, and try and prevent them effecting their object. In the meantime, the Russians had time to re-form upon their own ground, and, from some misconception of the order, the lieutenant general considered he was ordered to attack at all hazards, and he ordered Major General the Earl of Cardigan to move forward with the light brigade."

They had heard a great deal of what Captain Nolan said and did; but if his evidence could be taken, as unfortunately it could not, it would avail nothing whatever against Lord Raglan's written order, and must be useless unless the seal could be "railed" off that bond. Captain Nolan was unfortunately killed—and *de mortuis nil nisi bonum*—yet he really believed Captain Nolan to have been a most amiable and gallant officer. According to Lord Lucan's account, General Airey first gave Captain Nolan a verbal message, but luckily for Lord Raglan he afterwards called back Captain Nolan, and committed the message to writing. Now, one of the greatest military authorities of the day, the Duke of Richmond, fully agreed in his (Mr. Berkeley's) view of the case, and that was not a little support to an humble civilian like himself. It appeared that Captain Nolan was most anxious to have a fight, and volunteered his advice, or, as Lord Lucan stated—very justly no doubt—obtruded his advice. It was only to be lamented that Lord Lucan did not rather take the opinion of Lord Cardigan, but permitted Captain Nolan's advice to operate on his mind so as to lead to that unfortunate charge, instead of putting Captain Nolan under arrest, as had been suggested elsewhere. Now, if anything could be pointed out in extenuation of Lord Lucan's conduct, he would be most ready to admit it. Perhaps it would be charitable to suppose that Lord Lucan imagined that the enemy was in retreat, but nothing of the sort had occurred to his Lordship's mind. He was prepared to show the House that when Lord Lucan sent those 670 dragoons to contend against such odds he was perfectly informed of the strength of the enemy and their position. When Lord Lucan received the order from Lord Raglan he commanded Lord Cardigan to advance. Now, if there was one man in the British army to whom an order to advance would be more grateful than to another, that man was Lord Cardigan. All the antecedents of that nobleman's life—which had been known to the public, savoured rather of rashness than caution. A most gallant man, he might well be

termed the Hotspur of the British army, and it might be said of him that he would consider it—

> "An easy leap
> To pluck bright honour from the pale-faced
> moon."

But how did Lord Cardigan receive the order to attack? Did he receive it with alacrity? Far from it; he received it with grave consternation. He had the great moral courage to demur to that order, until he was perfectly assured that Lord Lucan was aware of the desperate nature of the attack ordered. Lord Cardigan sent his aide-de-camp to Lord Lucan to explain the nature of the ground, and to state that the place ordered to be attacked was three-quarters of a mile distant, that there were batteries on each flank, and that the hills on each side were covered with infantry. Lord Lucan still persevered in his order to charge, and then Lord Cardigan himself iterated to Lord Lucan the description just given. After that, Lord Cardigan made the charge, riding himself at the head of his dragoons, and it was not too much to say that when that gallant body marched down "the valley of death," there was not one man, from the general officer to the humblest farrier, but believed that he was about to charge upon eternity. He would tell the rest of the tragedy in Lord Cardigan's own words extracted from a speech delivered at the Mansion House on the 6th of February, and reported in *The Times*—

> "We advanced down a gradual descent of more than three-quarters of a mile, with the batteries vomiting forth upon us shells and shot, round and grape, with one battery on our right flank and another on the left, and all the intermediate ground covered with the Russian riflemen; so that when we came to within a distance of fifty yards from the mouths of the artillery which had been hurling destruction upon us, we were, in fact, surrounded and encircled by a blaze of fire, in addition to the fire of the riflemen upon our flanks. As we ascended the hill the oblique fire of the artillery poured upon our rear, so that we had thus a strong fire upon our front, our flank, and our rear. We entered the battery—we went through the battery—the two leading regiments cutting down a great number of the Russian gunners in their onset. In the two regiments which I had the honour to lead, every officer, with one exception, was either killed or wounded, or had his horse shot under him or injured. Those regiments proceeded, followed by the second line, consisting of two more regiments of cavalry, which continued to perform the duty of cutting down the Russian gunners. Then came the third line, formed of another regiment, which endeavoured to complete the duty assigned to our brigade. I believe that this was achieved with great success, and the result was that this body, composed of only about 670 men, succeeded in

> passing through the mass of Russian cavalry of —as we have since learned—5,240 strong; and, having broken through that mass, they went, according to our technical military expression, 'threes about,' and retired in the same manner, doing as much execution in their course as they possibly could upon the enemy's cavalry. Upon our returning up the hill which we had descended in the attack, we had to run the same gauntlet and to incur the same risk from the flank fire of the Tirailleurs as we had encountered before. Numbers of our men were shot down—men and horses were killed, and many of the soldiers who had lost their horses were also shot down while endeavouring to escape. But what, my Lord, was the feeling and what the bearing of those brave men who returned to the position. Of each of these regiments there returned but a small detachment, two-thirds of the men engaged having been destroyed? I think that every man who was engaged in that disastrous affair at Balaklava, and who was fortunate enough to come out of it alive, must feel that it was only by a merciful decree of Almighty Providence that he escaped from the greatest apparent certainty of death which could possibly be conceived."

At a dinner at Northampton, on a subsequent occasion, the Earl of Cardigan said, his absence from the Crimea was accounted for by his having no longer any army there to command; and he then went on to say—

> "In the attack at Balaklava, 400 horses were killed or rendered unserviceable; 370 were killed in action, and the remainder were in such a sad state from numerous wounds that they were obliged to be destroyed the following morning. But, in connection with that charge, I have to mention a much more serious circumstance—I mean the sad loss of human life that then occurred. No fewer than twenty-six officers and 276 non-commissioned officers and private soldiers, making a total of 300, were killed and wounded in that action. It is for this reason that I never can allude to the subject without the deepest feelings of regret. At the same time, though I do not pretend to more sentimentality than other men, it seemed to me at the time, and still seems, that the loss was so certain and serious, and the advantage to be gained by the attack so slight, as to make it matter of deep regret that the order was given. I received the order, however, to attack, and although I should not have thought of making such an attack without orders, and although I differed in opinion as to the propriety of the order, I promptly obeyed it."

No language could be too strong or too laudatory to describe this gallant achievement on the part of the men. It was a glorious proof of the power of discipline, and a sublime example of their loyalty to their Queen and devotion to their country. Lord Cardigan, by his share in it, had won for himself the respect of the British army and the admiration of the world, and it was not too much to say that his name would go down to posterity enrolled in the page of history as a belted Earl of the nineteenth century, entitled by his chivalrous prowess to stand side by side with the Bedford, the Bohun, the Talbot, the Chandos, of the olden time. The terror, the admiration, and the enthusiasm of the bystanders when they saw the British sabres flashing among the Russian guns had been graphically described by an eye-witness, as well as the disgust felt by the army at those who ordered so Quixotic an enterprise. General Canrobert, speaking of the men, was reported to have said, "*C'est superbe! C'est magnifique!*" But, speaking of the generals who commanded the charge, whoever they might be, he added, "*Mais ce n'est pas la guerre.*" The Russian commander too told the aide-de-camp who was sent in to the Russian lines to inquire after the prisoners who were taken, that the affair was a *bétise—a charge de fous.* And, indeed, if it had been a Russian general who had ordered such a charge and risked his men's lives in that way, there was little doubt that he would have died under the knout, or would now have been digging in a Siberian mine. But had any notice yet been taken of Lord Lucan's conduct in this affair—had anybody demanded a court-martial? True, the noble Earl himself, indeed, had demanded a court-martial, and that he had acted gallantly in so doing he would not deny; for he was not now arraigning Lord Lucan's courage, or even his military knowledge, except with regard to this particular case. He did, however, arraign the conduct of the military authorities at the Horse Guards in appointing Lord Lucan, an untried man, over the heads of so many men of proved ability. It was plain that in this case untried aristocracy was preferred to proved middle-class merit. Lord Lucan's claims weighed heavier at the Horse Guards than the claims of such men as Henry Wyndham, Joseph Thackwell, Brotherton, Lovell — better known as Badcock — and Cavendish. He submitted to the House that he had now made out a case at least for inquiry. It was an insult to the service that such a transaction should take place without an inquiry. If Lord Lucan could justify himself, without doubt a court-martial was the proper tribunal before which to do so. He intreated the House, therefore, to concur in this Motion for an Address to the Crown for a court-martial, in justice to those martyrs who had found a bloody grave on the disastrous field of Balaklava, in justice to the survivors to guard against the possibility of the recurrence of such blunders, and in justice to the parents, the widows, and the orphans of those unfortunate men, whose tears for their fall were embittered by the reflection that, though they had died gloriously, they had died in vain.

LORD ELCHO said, that in seconding the Motion of the hon. Gentleman he did so from a deep conviction that it was due, not only to those gallant men who had distinguished themselves on that disastrous day, but also to Lord Lucan himself, that his conduct in this affair should be inquired into. No one, indeed, desired inquiry more earnestly than did Lord Lucan. Before, however, proceeding to advert to the facts of this case, he wished to say a few words with reference to his own position in connexion with it. It was a position alike painful and peculiar, for it must at all times be painful to have to defend a relative when his conduct was impugned, but it was doubly so when the accusation referred to an occasion on which he had the misfortune to lose a relative still nearer and dearer. He said this, not with a view of exciting the interest or sympathy of the House, but simply to show that whatever effect the events of that day were likely to have upon him, they were not calculated to prejudice him in favour of Lord Lucan. It was from a deep sense of justice that he supported this motion, for never in his life had he been so firmly convinced of anything as that Lord Lucan was a grossly wronged and injured man. Lord Lucan, as he had just stated, courted inquiry into his conduct, and his duty, as Lord Lucan's relative, was to endeavour to induce the House to grant that inquiry. He knew too well the value of the time of the House to occupy it with any lucubrations of his own on military tactics, which, as those of a civilian, could have little claim on their attention. He should not, therefore, follow the hon. Gentleman (Mr. H. Berkeley) in fighting over again the battle of Balaklava, he would simply ask two questions which required an answer. The first was with regard to the order sent to Lord Lucan, which, it was said, he had misconceived; and on this he could not help remarking that, though they had heard much about what it did not mean, no one yet had attempted to say what it really did mean. These were the words of the order:—

"Lord Raglan wishes the Cavalry to advance rapidly to the Front, follow the Enemy, and try to prevent the Enemy carrying away the Guns."

Mr. H. Berkeley

The sense in which that order was understood by Lord Lucan and by the aide-de-camp was, that the cavalry were to advance rapidly to the front; but now it was said that the English language was not to mean what it did in the ordinary acceptation of words, and that therefore the order must be read in a non-natural sense. He therefore wanted to know, and hoped that some Member of the Government, or that Lord Raglan himself, at some future occasion, would explain what the real meaning of the order was. It should be observed that within a short time of their advance Captain Nolan had the misfortune to fall, which showed that they were already in a position from which the slightest advance brought them immediately under the fire of the enemy's guns. As Lord Lucan had been blamed for having obeyed that order in its ordinary acceptation, and for being guided by the explanation of the aide-de-camp, and was now in this country in disgrace in consequence, he begged to ask would Lord Lucan have been in a more favourable position, would he now be commanding the cavalry in the Crimea and an honoured man, if he had disobeyed that order? Those were the two questions with reference to that order to which he wished to direct attention; but as much had been said about Lord Lucan being afraid to take upon himself that responsibility which, as a lieutenant general commanding a division, he should have done, and as upon that point military opinions greatly differed, he begged to point out to the House that Lord Lucan was not a man who shirked or was afraid of responsibility. Lord Lucan had published his speech, delivered in another place, in the form of a pamphlet, to which he had appended notes. In one of those notes Lord Lucan said—

"Lord Lucan, in his speech, omitted to state that at an interview with General Estcourt, which he had asked for the purpose the day after the battle of the Alma, he sent a message to Lord Raglan through the Adjutant General, expressing a hope that his Lordship had that confidence in him, as commanding the cavalry, that he would allow him to act on his own responsibility as occasions should offer and render advisable: for, otherwise, opportunities of acting would be frequently lost to the cavalry. To this Lord Lucan received no reply. Lord Lucan was led to make that communication in consequence of his having on the previous day taken upon himself without orders to remove the artillery and cavalry across the river, with the view of protecting the flank of the infantry in its ascent of the heights. This movement, though accidentally delayed by the upsetting of a gun in the river, proved most ad-

> vantageous in its results, as it brought the cavalry to the front immediately after the Highlanders had crowned the heights, gave them the assistance of his guns, which were most effective, and protected them from a large body of the enemy's cavalry which was hovering in that quarter. And again Lord Lucan considered that had he felt himself more of a free agent on that occasion, more prisoners might have been taken."

He thought that that passage clearly proved that Lord Lucan was not a man to shrink from responsibility, and that he had asked Lord Raglan to intrust him with responsibility because he felt that without it, and a certain amount of discretionary power, he could not make that use of the cavalry arm which he might otherwise do. This was further confirmed by a passage in a previous note, referring to a conversation which had taken place between Lord Lucan and General Airey the day after the battle of the Alma. The note was in the following terms:—

> "At this conversation Lord Lucan expressed his hope that orders less peremptory, and leaving him some discretion, should be sent to him; for if orders were sent to him more fitting for a subaltern officer than for a general to receive, as a subaltern he would execute them, as he would not expose himself, in the absence of a discretion which had been denied him, to being charged with disobeying an order."

He (Lord Elcho) would here corroborate what Lord Lucan stated with regard to his conduct at the battle of the Alma by reference to a letter which had been written soon after that battle by his late brother, in which the writer stated that Lord Lucan, at a certain period of the action, ordered up the cavalry and the artillery, and that they proved so effective and of such signal service to the Highlanders, who at that time had just crossed the heights, that Sir Colin Campbell went up to Lord Lucan, shook him by both hands, and with tears in his eyes thanked him for what he had done. He should not say anything further respecting the battle of the Alma; but, as he had said that he should not enter into any discussion of the battle of Balaklava, or weary the House with any military lucubrations, so neither did he intend to discuss the prerogative of the Crown or the right of the Government to recall Lord Lucan. That right undoubtedly existed, and it was necessary for the efficiency of the army that it should be exercised by the Crown without being questioned. He might doubt, however, whether in the case of Lord Lucan the recall had been, either just or necessary. The reasons which had been given for it were, that he had written a letter to, and was on bad terms with, Lord Raglan. Every one had been led to believe that the letter of Lord Lucan had been couched in disrespectful terms. When it came to be read, however, he thought that that was not the impression which was conveyed to the people of this country; and he knew from a statement made by Lord Lucan in another place, that previous to his embarking on his return home, General Estcourt said that Lord Raglan was astonished at his recall, that he regretted it, and was unable to understand why it had taken place. There was one point, however, with reference to the recall of Lord Lucan to which he wished to direct attention. As he had before said, he did not dispute the right of the Government to exercise their power of recalling him; but if they considered it so essential for the good of the service that two officers who were on such bad terms should not remain together, how was it that so long a period had been allowed to elapse between the receipt of Lord Raglan's letter and the date of the recall of Lord Lucan? Lord Raglan's letter was written on the 16th of December; Lord Hardinge's reply to the reference made to him respecting it was dated the 26th of January, and the date of the recall was not till the 27th of February, so that upwards of three weeks must have elapsed between the receipt of Lord Raglan's letter and the recall of Lord Lucan. He asked this question, because he had heard it stated by others that the delay might have arisen from the fact of there having been a question as to *who* should be recalled at that time. There was, moreover, a strange coincidence of dates between the recall of Lord Lucan and the notice of a question put upon the papers by the hon. Gentleman the Member for Bristol with reference to the battle of Balaklava. No doubt, a clear explanation of these matters could be given by the Government, but as he had heard them mooted in society, he had thought it desirable to call attention to them. The point to which he wished mainly to confine his remarks was the letter of Lord Raglan, which brought against Lord Lucan charges of the gravest character. It appeared to him that the production of that letter on the part of the Government was, if he might be allowed to say so, a grave mistake. It entirely changed their position. So long as they kept it in the office of the Minister of War they could take their stand upon the right of the Government to recall any officer without assigning their reasons for the step; but when they produced that letter they shifted their ground, and it appeared to him that they must either stand by the one course or take the consequences which naturally flowed from the other. In a communication which Lord Lucan addressed to the Commander in Chief, praying him to reconsider his application for a court-martial, he thus described that letter of Lord Raglan's:—

> "It contains entirely new matter, and is replete with new charges, reflecting more seriously than before on my professional judgment and character. There is now imputed to me, and for the first time, not only the misconception of one order, but inattention to and neglect of another order; and, again, a total incapacity to carry out any instructions, and to avail myself of the means placed by his Lordship at my disposal. Charges so grave and of a character so exclusively professional cannot, I submit, be properly disposed of without a military investigation. I find myself therefore compelled to express my anxious wish that the Commander in Chief will be induced kindly to reconsider his decision, and consent to my whole conduct on the day of the action of Balaklava, the 25th of October, 1854, being investigated by a court-martial."

He thought that any military man would admit that what Lord Lucan said upon that point was justified by the fact, and that the charges which had been brought against him were of a very grave professional character, and required a professional investigation. That second appeal of Lord Lucan's, however, was also refused, and it was not until all other modes of redress had been denied him that he had ventured to make that statement in another place which was now in the possession of most hon. Members. He (Lord Elcho) wished to examine, as well as he was able, the grounds upon which the appeal of Lord Lucan for a court-martial had been refused. In the letter containing the refusal no grounds were assigned; and he must therefore look to the speeches which had been made upon the subject in another place by the noble Lord at the head of the War Department and by the Commander in Chief. So far as he could gather from those speeches, there appeared to be four principal grounds upon which the refusal had been based. First, it was said that there was no precedent for a court-martial appointed under similar circumstances; secondly, it was urged that if a court-martial were granted to Lord Lucan, it must be granted to every officer and every private who thought himself aggrieved; thirdly, that there would be a difficulty in framing the charges; and, fourthly, that Lord Lucan had done duty since the action at Balaklava, where he had been at fault, and that therefore by military law he could not be tried. He would next proceed to examine these four reasons which had been adduced against granting a court-martial, and he would first touch upon the question of precedent. He had himself a great respect for precedent, but at the same time all precedents must have a beginning, and in a case where justice demanded a fair trial, he did not think that the absence of precedent was a sufficient cause why that trial should not be granted. At the same time, however, he thought that a precedent did exist in the case of Lord George Sackville, afterwards Lord George Germaine, the commander of the English cavalry at the battle of Minden in 1759. He had looked with great care into all the circumstances of that case, and it appeared to him to be in its main features analogous to that of the Earl of Lucan, although, indeed, there was the difference that Lord George Sackville was condemned for *not* obeying his orders, whereas the Earl of Lucan had been censured for his implicit obedience to them. He did not think it would be necessary for him, and, indeed, it would be presumptuous on his part, to enter into the detail of the battle of Minden; but, perhaps, the House would allow him to read an extract from the general order issued by Prince Ferdinand of Brunswick, the Commander in Chief of the allied army, in order to show the grounds upon which Lord George Sackville demanded a court-martial to inquire into his conduct. In his general order, issued the day after the battle of Minden, which was fought on the 1st of August, 1759, Prince Ferdinand wrote:—

> "His Royal Highness further orders it to be declared to Lieutenant General the Marquess of Granby that he is persuaded that if he had had the good fortune to have him at the head of the cavalry of the right wing his presence would have greatly contributed to make the decision of that day more complete and more brilliant. In short, his Serene Highness orders that those of his suite whose behaviour he most admires be named (Lord George Sackville, not included in the list), and his Royal Highness desires and orders the generals of the army that upon all occasions when orders are brought to them by his aides-de-camp they be obeyed punctually and without delay."

It was that insinuation against him which led Lord George Sackville to request that he might be allowed to return to England, and, leave being given to him, he arrived home on the 7th of August, and immediately wrote a letter to the military authorities praying for a military inquiry into his conduct. On the 10th of August he received an answer granting him an inquiry, but in the meantime he was deprived of his military emoluments and his military position. In that answer he was informed—and the point was well worthy of the consideration of his noble Friend at the head of the Government—that the inquiry would be held whenever the officers on service returned to England. The court-martial was subsequently held, and its verdict condemned Lord George Sackville as being guilty of disobedience of orders. He could not but think that the position of an English general was somewhat unfortunate, for there was a precedent for granting a court-martial in the case of Lord Lucan, and that precedent was a court-martial which condemned Lord George Sackville for not doing that which Lord Lucan was condemned for doing. In the case of Lord George Sackville, two orders having been given him by two aides-de-camp which appeared to him to be of an opposite character, he rode up to Prince Ferdinand to have his difficulty cleared away; for that he was condemned, and yet they were told that it was the very course which ought to have been adopted by Lord Lucan, or that he should, if he had any doubt about the order, have sent some one to the Commander in Chief for an explanation. In that respect he considered, as he had just said, the position of a British general unfortunate. Wishing to find out as much as he could that would bear upon the case, he had spent some time in referring to books and pamphlets in the British Museum, and he found among other things, that amongst the officers by whom Lord George Sackville was tried was one William Earl of Panmure. He hoped this might be regarded as a favourable omen, and that we should soon have a warrant signed "Fox, Baron Panmure," ordering a court-martial upon Lord Lucan. He found also a letter of consolation addressed to Lord George Sackville by the Maréchal de Contade, the French Commander at the battle of Minden, and transmitted by Voltaire, in which that general alluded to the shooting of Byng and Lord George Sackville's condemnation, and said that the conduct of the English with respect to their admirals and generals bore a strong resemblance to that of the Carthaginians, who, whenever they lost a battle or a place of strength, crucified a general. Bayle said that there were no class of men who had more need than the generals of the army to cultivate those qualities which would be useful in a life of retirement. With reference to the bearing of military law upon this point, he found that Mr. Arthur laid down the principle—

> "An officer who may be suspended, and feels his character unjustly impeached, may demand an investigation of his conduct by court-martial, which, if not attended with manifest injury to the service, ought to be granted, that an opportunity of justification may be afforded. Lord George Sackville, having been suspended and divested of all military employ, and finding his character to be impeached in the public opinion, demanded an inquiry into his conduct, which the King, from motives of justice and humanity, and regard to the reputation of an officer of such high rank, readily granted. Captain Norris, of the Essex, even after having resigned the command of his ship in the Mediterranean, finding his character had been aspersed by his officers in the engagement off Toulon, applied to the Admiralty Board for a public investigation of his conduct, and a court-martial for that purpose was accordingly ordered."

And, in the case of Sir Hugh Palliser, Mr. Fox said, a court-martial might be appointed to try him at his own request, as had been done in the case of Lord George Sackville—even though dismissed the service. He would next pass to the second argument, which, as he understood it, was, that if a court-martial were granted in the case of Lord Lucan it would be necessary to grant one in the case of every private or inferior officer who might demand it; but he thought that he should be able to show that no analogy existed between those cases. What were the grounds upon which Lord Lucan was condemned? He was condemned because it was said, that, as a lieutenant general, he was a responsible person possessing a discretionary power, and that he did not exercise it, but simply obeyed orders, a thing which any private or inferior officer ought to have done, and which Lord Cardigan also did. What was the real state of the case? Lord Lucan, upon receiving the order, did not understand it—and, certainly, it was not very intelligible—and he ventured to ask the aide-de-camp its meaning. The aide-de-camp explained the meaning of the order, and Lord Lucan obeyed it. The order was given to Lord Cardigan, who objected to it, and remonstrated against the madness of executing such a charge; but he obeyed the order, and in so doing did his duty in a manner which no man admired more than he did. Two men acted in precisely the same manner, and yet one was received with praise and honour while the other was more or less censured and professionally disgraced. If responsibilty were conferred upon an officer, and he was called upon to exercise a discretionary power, more favour ought to be conceded to him than to an inferior officer who held no such position. The third argument adduced against granting the court-martial was, that there would be great difficulty in framing the charges. To that argument he could reply that, in the case of Lord George Sackville, Prince Ferdinand in his general order did not mention his name, but it was on account of an insinuation that he demanded a court-martial. The Judge Advocate of that day found no difficulty in framing charges and drawing up a bill of indictment against Lord George Sackville, upon which he was condemned, declared unfit to hold a command, and dismissed the service, and he (Lord Elcho) had too much respect for the abilities of the right hon. Gentleman who at present filled the office of Judge Advocate not to believe that, from the letter of Lord Raglan, containing charges against Lord Lucan—charges of so grave a nature—he could easily frame charges and draw up a bill of indictment. The fourth and last point with which he had to deal, was the argument that Lord Lucan had done duty with the army after the battle of Balaklava, and that, by military law, he could not therefore be put upon his trial. He did not mean to question the military law. He granted, that if an officer had committed a fault for which he was put under arrest, and was subsequently released from arrest and did duty, that he was thereby condoned for his offence, and could not be put upon trial for the same offence. But it was a question whether he might not be put upon his trial by a superior officer to him who put him under arrest, and who subsequently released him. At all events, here was a law really enacted for the benefit of the accused; and surely the House did not mean that that very law should be used to the disadvantage of the accused, which would be the case in the instance of Lord Lucan, should the present Motion be rejected. He might of course quote many cases in illustration of the principle, that if a soldier, after arrest, was discharged and allowed to resume duty, he could not be subsequently tried for the offence for which he was arrested. An instance had been given that during the Peninsular war a private soldier was put under arrest, and subsequently allowed his freedom, and served with great gallantry before the enemy; that after the battle he was again arrested and brought before a court-martial, found guilty, and flogged. Unquestionably nothing could be more unjust than such a proceeding, and as there was no doubt that the military law was enacted for the benefit of the accused, the soldier in that instance would naturally have claimed its protection; but in the case of Lord Lucan it was decidedly adverse to his interest. It appeared to him that if Lord Raglan, when he wrote his letter, believed the charges he made, he was to blame for leaving a general officer who had proved himself, according to that letter, so incompetent as Lord Lucan had done, to remain one hour after showing his incompetency in command. The whole safety of our army in the field depended upon the cavalry, and the efficiency of the cavalry depended upon its commander. But what did Lord Raglan do? He left Lord Lucan two months in command without putting him under arrest or sending him home, one or the other of which he submitted Lord Raglan ought to have done if the charges against Lord Lucan were well founded. A great deal was heard about this not being a fitting subject to bring under the consideration of Parliament, and Lord Lucan had been blamed for having brought his case forward in another place. No doubt the House would be told by the right hon. Gentleman the Judge Advocate, or by the hon. Gentleman the Under Secretary for War, that nothing could be more dangerous than to establish a precedent for bringing the subject of military discipline under discussion in the House of Commons. He confessed he did not feel at all alarmed at any such thing. The Queen had, undoubtedly, the prerogative of commanding the army, but that prerogative was at all times subject to certain checks and control. The House of Commons reserved to itself the power of passing the Mutiny Bill from year to year, and it had also the power of stopping the supplies, by which it necessarily exercised a very powerful control over the whole army, and also over the management of it. According to a high authority on military law—*Simmons on Courts-martial*—

> "It was quite evident that courts-martial were as strictly derived from and formed part and parcel of the law of England, as any Courts depending on Statute could be. It had been aptly observed by Mr. Tytler, 'The Mutiny Act was,

> by the very limited term of its duration and frequency of its renewal, more truly and immediately framed by the people itself than any other of the existing Statutes of the Realm.' "

This power of control and check was a power of which the House was jealous, and justly jealous; and it was a power which had been frequently exercised. He had taken at random, from *Hansard*, instances of Motions being brought forward materially affecting the discipline of the army, and such Motions had been followed by the most beneficial results. In 1745 an Address was moved and carried for a court-martial on Admirals Matthews and Lestock, to inquire into their conduct in the action off Toulon between His Majesty's fleet and the combined fleets of France and Spain. In that debate Mr. Henry Fox used these words:—

> " As we in this House are the great inquisitors of the nation, this, Sir, was the reason—and it is a sufficient reason—for an inquiry into the case, and the end we proposed to ourselves by such an inquiry was, to vindicate the innocent and to punish the guilty."

Mr. H. Pelham, who opposed the Motion on the part of the Government, said—

> " When there appeared to be a failure or want of justice on the part of the Crown, we may inquire into the conduct of any officer, or into the proceedings of any court-martial."

Now, he contended that in the case of Lord Lucan, there was not a failure of justice on the part of the Crown, but a failure of justice on the part of the commander of the forces. To return to previous subjects of a similar nature, in the same year (1745) Parliament voted the proceedings of the court-martial appointed to try Captain Norris (to whom he had already referred), to be "arbitrary, partial, and illegal," and this, too, in the teeth of the opposition of the Minister of the day, Mr. Pelham. In 1778, Mr. Luttrell moved for a court-martial to inquire into the conduct of Vice-Admiral Sir Hugh Palliser for disobedience of orders, and Mr. Fox afterwards moved that he be dismissed the service. In 1814, Colonel Palmer moved for papers relating to the trial of Colonel Quentin. In 1815, Lord Proby moved the introduction of a clause into the Mutiny Act, to prevent the dismissal of an officer without the previous inquiry of a court-martial. In 1832, Mr. Hume moved for the production of papers relating to the trial and punishment of Alexander Somerville for writing a letter to a newspaper—a well-known case. But more recently the noble Lord the Member for Huddersfield (Viscount Goderich) had made a Motion—for which he received very considerable support—that materially affected the discipline of the army, and in which he endeavoured to show that great injustice was done to the private men by their not being promoted. But he had a case to quote which he thought his noble Friend at the head of the Government would not refuse to recognise as of weighty authority. In 1836 a Motion was made for a Committee to inquire into the conduct of the commander of the forces with reference to a recent appointment, and he found that the name attached to that Motion was that of his right hon. Friend the Chief Commissioner of Works (Sir W. Molesworth). The reason which led his right hon. Friend to bring forward the Motion was, that he thought the appointment calculated to be injurious to the service and generally to the army, and he boldly and ably, in one of those carefully prepared and elaborate speeches which he was wont to deliver, laid down the law with reference to the responsibility of Ministers in regard to the administration of the army. He on that occasion said—and his speech was almost prophetic—

> " I consider that one of His Majesty's Ministers ought to be at the head of the army—ought to be held responsible to this House for the administration of the army, and be present by himself or delegate in his place in the House of Commons to answer to the questions and complaints of the people with reference to his conduct in the administration of military affairs."—[*See* 3 *Hansard*, xxxiij. 535.]

Nothing could be more sound doctrine, and a doctrine which he was happy to say had been acted upon. If the hon. Gentleman who brought forward this Motion should be met with the objection that it infringed upon the Royal prerogative, he (Lord Elcho) had forearmed himself with a passage from the speech of his right hon. Friend in reference to that point, for his right hon. Friend observed that—

> " Whenever we hear the word prerogative made use of in this House, we may feel convinced that some abuse is about to be defended—some attempt is about to be made to escape inquiry—to shrink from responsibility." —[*See* 3 *Hansard*, xxxiij. 533.]

He hoped, therefore, that that argument would not be adopted on this occasion, but that the present would be considered an open question, in which case he felt secure of the support of his right hon. Friend the First Commissioner of Works. But he was prepared to maintain that the interference of Parliament had not only been innoxious, but that in many cases it had been highly beneficial. Take the case of flogging. Would any Gentleman say that that did not affect the army? He found that Sir George Murray, in his reply to a Motion by Mr. Hunt in 1832 on the subject of flogging in the army, said—

> "He was afraid, if that House became a court of revision for military offences, it would infringe on the great principle of the constitution by which the army was placed under the exclusive control of the Crown."

Was the House controlled by that argument and prevented from interfering with the subject? Not at all. The House did interfere, and the result, as they all knew, was most beneficial. It was notorious that flogging in the army had comparatively ceased; and if they wanted to know whether it had been attended with beneficial results or not he would point to the Crimea, where they had an army without crime, and where officers and men vied with each other, not more to maintain the reputation of the British army for valour than for high moral discipline. He thanked the House most sincerely for its indulgence, while he had endeavoured to show, to the best of his ability, that this was not a question of prerogative, or a question to which the objection would apply, that it would affect the discipline of the army. Whether he had succeeded or not, the case of Lord Lucan was so strong and so good that it could not suffer from the feebleness of the advocate. As he had said, Lord Lucan courted inquiry, thinking his professional reputation damaged by the charges brought against him. He knew that it had been stated in another place by the organ of the Government, the Minister of War, and, that evening, by the hon. Gentleman (Mr. H. Berkeley), that Lord Lucan's personal character and honour were unimpeached; but what consolation was that to a man whom the Government had disgraced? He could not believe that discipline required the perpetration of injustice, or that the public interests were served by disgracing as gallant, as zealous, and, he would venture to say, as efficient a soldier as any in Her Majesty's service. The hon. Gentleman (Mr. H. Berkeley) stated that he brought forward this motion as a question of justice to Lord Lucan, as well as to those gallant men whose conduct that House and the whole country admired. The hon. Member said Lord Lucan's honour was unimpeached, but he added that if the general who commanded on that occasion had been a Russian subject, he would have died under the knout, or have been exiled to Siberia. Lord Lucan had the good fortune to belong to a free country, in which such extreme measures were not resorted to. The knout under which he suffered was the censure of the hon. Gentleman. The Siberia to which he was banished was the professional disgrace by which he was incapacitated, as long as these charges were not met and refuted, from again holding command in Her Majesty's service. He had said Lord Lucan was as gallant an officer as any in that service. He was present when his Lordship was examined before a Committee of that House, and after his examination a statement was made to him (Lord Elcho) by a member of the Committee, whose name he had no authority to mention, but whose name, if he could give it, would add to the effect which he hoped his opinion would have upon the House and upon the Government: that hon. Gentleman, a friend of his, and a member of the Committee, said to him, "Lord Lucan has proved himself, by his evidence, to be an able and a zealous office, careful of his horses and of his men, and a thorough master of every detail connected with the management of his division." His reply was, "Do you think that a general officer, who has shown himself thus competent in the camp is wholly incompetent in the field?" There was an innate love of justice in the breasts of Englishmen. Lord Lucan had appealed to the proper authorities for redress, and had failed to obtain it. Lord Lucan had made a statement in the House of Lords, and, now that the hon. Gentleman, though not at his request, had brought the subject under the consideration of the House of Commons, he appealed to them on behalf of his gallant and noble relative, confidently trusting that the House of Commons would do him that justice which had been denied elsewhere, and by the expression of its opinion induce the noble Lord at the head of the Government to recommend Her Majesty, in the exercise of her undoubted and unquestionable prerogative, to grant that professional inquiry which could alone vindicate his conduct, and relieve him from the disgrace under which he now more or less laboured.

Motion made, and Question proposed—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to order that an inquiry by Court-martial be held on Lieutenant General the Earl of Lucan, for ordering a charge of the Light Cavalry at the Battle of Balaklava."

MR. C. VILLIERS said, the question before the House was, whether upon a certain statement of facts they would agree to an address to the Crown praying that an inquiry by court-martial should be instituted into the conduct of the Earl of Lucan; and as it was his duty, from the office which he had the honour of holding, to be acquainted with the principles and practice which regulated the military tribunals of the country, it might be convenient if he thus early addressed the House on the subject. He should not dispute with the noble Lord about the right of Parliament to interfere in matters affecting the army, though he thought some of his noble Friend's views were somewhat extreme on that matter. He should confine himself to the question of the particular claim for interference put forth in this case. In the first place, he must observe that his hon. Friend (Mr. H. Berkeley) had brought this Motion forward, not so much as an original proposition for inquiry, as an appeal from a decision which had been already given by the Crown, by the Commander in Chief, by the other House of Parliament, and by the legal officers who had been consulted. He would not question the propriety of his hon. Friend in adopting this course, but he would merely observe that the hon. Gentleman, instead of proposing any other mode of inquiry, asked for a court-martial upon the Earl of Lucan, with the perfect knowledge that it was the precise form of inquiry already demanded by Lord Lucan himself, decided upon by the authorities to which he had referred, and for the refusal of which reasons had been assigned. Holding the peculiar office which he did, the facts of this case, as is usual in cases where a general court-martial was contemplated, had been communicated to him for the purpose of advising whether it was one in which a court-martial should be appointed. He had viewed it without reference to the station of the person, or some of the peculiarities attending it, and he was quite ready to share all the responsibility which attached to the course which had been pursued. He thought, now, that he should best consult the wishes of the House if—without referring to topics somewhat irrelevant that had been alluded to by the seconder and mover—he called their attention to the particular facts which had been submitted to him, and the reasons which were assigned for refusing the particular tribunal which was demanded. What were the facts of this case? Lord Lucan, on the 28th of November, became aware of the terms in which Lord Raglan had referred to his conduct on the 25th of October, and thereupon entered into communication with Lord Raglan on the subject, expressing his displeasure at the mode in which his conduct had been reported by Lord Raglan. Lord Lucan complained, not only of injustice done him, but also questioned the veracity of Lord Raglan's communication to the Minister of War. Thereupon a series of communications ensued between Lord Lucan and Lord Raglan, the purport of which on the part of Lord Raglan was, that Lord Lucan should withdraw a certain letter of comment on his report which he (Lord Lucan) had sent him, and should remain satisfied with the report already sent to this country. Lord Lucan was unwilling to do this, and pertinaciously adhered to his own explanation of the events of the 25th of October at Balaklava, and left Lord Raglan no peace until he sent his communication, or rather his criticism upon his (Lord Raglan's) despatch, to this country. At the same time Lord Raglan felt himself bound, in vindication of his original despatch, to send his observations upon that letter, entering more fully into his reasons for having expressed some kind of disapprobation of Lord Lucan's conduct at Balaklava, while he so far modified that expression of disapprobation as not to cast any slur upon Lord Lucan's professional character, or preclude him from receiving the thanks of both Houses of Parliament. It was upon receipt of these communications that the Minister of War discovered that there were essential differences between the lieutenant general of cavalry and the commander of the forces in the East; and upon that ground, and that ground alone, fortified by the opinion of the Commander in Chief in this country, considering that these differences were detrimental to the public service, and that harmony was essential between officers of that rank, the recall of the lieutenant general of cavalry was decided upon. He (Mr. Villiers) stated these facts for the purpose of showing the grounds on which it was decided that Lord Lucan was not in a position to claim court-martial; and why it was not consistent with military usage to grant one. The House was aware, in the first place, that Lord Lucan, upon his return to this country, had claimed, as the unquestionable privilege of every officer, to have a court-martial if he chose to demand one; and subsequently, upon being apprised of Lord Raglan's comments on his letter that he had asked as a favour, to have this court-martial, and had learnt that his Lordship's request was refused in both cases. He would now apply himself to these facts in order to show on what ground of military law and practice Lord Lucan had been refused that inquiry by court-martial for which his hon. Friend (Mr. H. Berkeley) asked. In the first place, he thought the noble Earl, when he applied to have a court-martial as an unquestionable right, must have done so either in haste or under very erroneous advice, because every one might ascertain by searching the most elementary works upon the military system of this country, that an officer had no right whatever to a court-martial as a means of inquiry into his conduct. Persons who entered the army did so on the well-understood condition that they might be dismissed without any reason assigned, and without any redress given, at the discretion of the Crown. This power in the Crown was so ancient and had been so generally recognised that it was useless to discuss it. In the House of Commons the question had been raised whether such powers should be intrusted to the Crown, and there had been attempts to limit the prerogative in this respect, but Parliament had uniformly decided that the Crown was wisely intrusted with this prerogative. It was not, therefore, difficult to answer the question as to whether an officer possessed an unquestionable right to a court-martial. Then arose the question whether in this particular case it was proper to grant such an inquiry as a favour. [Lord Elcho: Hear.] His noble Friend seemed satisfied to rest upon that. Well, but then arose the question whether a court-martial could be conceded upon the facts as they stood—namely, that either no military offence had been imputed to the Earl of Lucan by the Commander in Chief, or that if any such offence had been so imputed to him, it had been overlooked or forgiven by the same authority. For it must be remembered that Lord Lucan had been deliberately continued in his employment after the alleged offence had been committed. His noble Friend (Lord Elcho) treated that fact rather lightly, looking upon this "condonation" as he called it, as one for the benefit of the offender, or, as in this case, the complainant, and as a matter which could no longer stand in the way when the complainant chose to demand an inquiry. Now, military laws and usages could not be dispensed with so lightly, nor was it fit that the administration of the army should be regulated by caprice, and no people were more interested in its not being so than the service itself. There was in the military, as in the civil system of judicature, a written and an unwritten law—the one based upon the Mutiny Act, and the Articles of War, and the other upon custom and established usage, recognized and applied in numberless cases. Both these branches of Military Law were recognised by the Legislature; and every member of a court-martial was required by the Mutiny Act to take an oath that he would administer justice according to the Mutiny Act, the Articles of War, and the custom of war in the like cases. The particular custom of war which had reference to the present case was this, that when any offence had been committed, whether by an officer or by a soldier, and that offence had been advisedly overlooked or not punished or forgiven, and the person implicated was continued in his employment, this was held a good plea and was deemed a bar to any further proceedings. There was no end to the cases which might be referred to in proof of this position. There was the case during the Peninsular war of Captain Archdall, who ordered certain of his men on service in the field after they had been sentenced by a court-martial and before the sentence was carried into execution, and who proposed to execute that sentence after their return from service. For this he was put upon his trial by the Duke of Wellington, was convicted and broken. Again in 1811, there was a case of a very striking kind and of just the same character, and now reported in the books, in which, though a man had been guilty of mutinous language, yet having afterwards been engaged in active service, the

Duke of Wellington felt himself for that reason under the necessity of ordering him to be released. Then there was the case of Colonel Quentin, regarding whom a court-martial found the facts to be true as alleged in one of the charges preferred against him, but they found also that upon these facts he had been reproved in the field by his commanding officer; they therefore refused to convict, upon this charge, because Colonel Quentin had been dealt with before for this offence, and they rebuked the prosecutors for introducing such matter into the charges. He (Mr. Villiers) repeated that it was an established usage in the army that no man whose offence had been knowingly and advisedly overlooked by competent authority, could be tried afterwards for that offence, and in the present case, the question would arise, as to who was to act as prosecutor, for Lord Raglan having condoned the offence, and Lord Lucan having been continued in employment, the offence was obliterated, and nobody could act as prosecutor. Not only, then, did the legal difficulty he had pointed out exist, but there were technical difficulties in the way of any proceedings. There was nobody to prefer any charge. In former times the Judge Advocate was officially the prosecutor, and the warrant for the prosecution was directed to him: but it is now nearly thirty years since a different provision was introduced into the Articles of War, and since that time it has been considered to be the province of the Judge Advocate General to watch the proceedings of the court-martial, to see that justice was done to the prisoner, and that the case was presented in a proper legal form on the part of the prosecution. Even if the Judge Advocate could, therefore, be directed to prefer charges, he was bound, in the first place, to give his opinion that there was a legal difficulty in the way of their prosecution, and in his capacity as responsible legal adviser of the Crown, it would be his duty to call the attention of the Sovereign to the legal objections that appeared to exist in the way of the confirmation of the proceedings. It was a common maxim in the civil courts that a man could not be tried twice for the same offence, and in this case a plea analogous to that of *autrefois acquit* would have applied. A man could not be allowed to compromise a criminal proceeding, or claim one against himself for a purpose of his own, nor would it be consistent with the duty of a judge to allow a second trial after an acquittal, merely on the request of the party accused. It was the duty of the Judge Advocate to see that the law was applied strictly. Still it was said that justice required that Lord Lucan should be tried by court-martial; but if such an inquiry were granted, when must it take place, and where? It certainly could not take place here. The commander of the forces could not be recalled in order to give evidence, because his presence could not be dispensed with in the Crimea, yet his evidence here would be indispensable, and it would be impossible to secure the attendance of witnesses who would be essential to the inquiry. Then, could the inquiry take place in the Crimea? It certainly would be most inconvenient at present. Men high in command could hardly be called upon to vindicate their conduct when they had important duties to discharge requiring their whole attention. Consequently, an inquiry could only take place when the war was over, and when many of the persons who ought to be examined would not be forthcoming. Had he been Lord Lucan, at the time the conduct of the noble Lord was first noticed by Lord Raglan—and it was right to remember that on the very night of the action there was a difference between Lord Lucan and Lord Raglan on the subject—he should have said when he was first charged with having misapprehended the order, "Let there be an inquiry at once. Let me have a court-martial now, when the witnesses to my conduct are still living, and upon the spot where the action occurred." It was open for Lord Lucan to have followed that course, and the noble Lord had already declared that every officer of rank there was in his favour. It was said, however, that Lord Lucan was recalled indirectly on account of his conduct on the 25th of October, and that, having been deprived of his command, it was an injustice not to grant him an inquiry. It must, however, be remembered that Lord Raglan had never demanded the recall of Lord Lucan. On the contrary, Lord Raglan had throughout shown great consideration to Lord Lucan, if he believed him to be wrong. It was the opinion entertained at home that the differences between Lord Raglan and Lord Lucan, which appeared upon the face of the letters referred to the Minister of War, ought not to be allowed to continue. He understood from the noble Lord who had just addressed the House that Lord Lucan admitted that there had been a difference between Lord Raglan and himself—[Lord ELCHO: I admit it.]—and that Lord Lucan had not been recalled at the request of Lord Raglan. The hon. Gentleman opposite (Mr. Berkeley) and the noble Lord (Lord Elcho) seemed to take up this question upon very different grounds. His hon. Friend the Member for Bristol came forward on behalf of the public, as he said, to demand a court-martial, and his noble Friend very naturally came forward on behalf of his relative. The question, however, was the same, namely, whether, or not, Lord Raglan had exercised his discretion wisely, and whether he was justified in his report of Lord Lucan, with reference to the celebrated charge at Balaklava. [Mr. BERKELEY here made an observation, which was inaudible in the gallery.] Yes; but that is the hon. Gentleman setting up his judgment here against that of Lord Raglan in the field. Lord Raglan did not complain of Lord Lucan in the manner in which the hon. Gentleman did. The hon. Gentleman, from his great military experience, he supposed, took a view of Lord Lucan's conduct upon this occasion widely different from that taken by Lord Raglan. Lord Raglan ventures to say, that Lord Lucan is a meritorious officer. No man could have acted more bravely on the 25th of October; but in this particular instance he misconceived my orders." The hon. Gentleman, on the contrary, said, "This man has been shown to be so unworthy and so faulty as a general"—[Mr. BERKELEY: No, no!] Not faulty as a general, then; but only, to have given such an order as to have produced one of the greatest disasters that have yet occurred; not faulty—only, by want of capacity, he has caused the destruction of his troops! The noble Lord (Lord Elcho) complained of an injustice done to Lord Lucan by Lord Raglan, and thus, in fact, both agreed in bringing Lord Raglan's conduct before the House, and thus proposed that they should here sit in judgment upon the manner in which the Commander of the Forces exercised his discretion in the field. Why, what was the question at issue? It was whether the Commander in Chief was to have the discretion of censuring, blaming, or, at least, of reproving those over whom he was placed, and whose conduct he was required to observe. The noble Lord (Lord Elcho) asserted, if he (Mr. Villiers) understood him correctly, that it was not true that Lord Lucan had misconceived the orders given to him, and that if Lord Lucan was guilty of the conduct imputed to him on the 25th of October, he ought to have been broken or deprived of his command, and at any rate the offence ought not to have been condoned. In the opinion of the hon. Member for Bristol, Lord Lucan had acted so badly, that he ought not to have been continued for a moment in his command. The House was therefore called upon to condemn Lord Raglan, and, at the same time, to address the Queen, to remind her that she had neglected her duty in not having already instituted an inquiry into Lord Lucan's conduct. The hon. Gentleman, as Member for Bristol and a Member of Parliament, considering that the Queen had not been rightly advised, appealed from her decision already given in this matter, and demanded inquiry. The hon. Gentleman complained of the manner in which the Crown had acted. [Mr. BERKELEY: No, no.] He complained, then, of the manner in which the Crown had been advised to act, and raises a question as to the discretion with which the commander of the forces ought to be entrusted. If the noble Lord (Lord Elcho) was right in complaining of Lord Raglan's censure of Lord Lucan, other persons would be equally justified in complaining that sufficient praise had not been bestowed upon other officers who had been noticed in the despatches of the Commander in Chief. If such complaints were received, the conduct of Lord Raglan must of necessity be called in question. But, surely, it was requisite, that the Commander of the forces in the field should be invested with large discretionary powers, and among others with that of censuring those who were wrong, of praising those whose conduct deserved admiration, and even of visiting a certain amount of punishment upon those whose conduct he disapproved. Of course his noble Friend (Lord Elcho) would say—"That this was monstrous, for thus a man might have reflections cast upon his character and conduct, and have no redress." That, however, was not precisely the case, though, if it was so, it would not apply only to his relative, but possibly, to those acting under him and reproved by him. But the discretionary power entrusted to a Commander in Chief in the field, like the discretionary power entrusted to a justice of the peace, was not unlimited; nor was the person entrusted with such power absolutely irresponsible. If Lord Raglan had wantonly abused his power, or had exercised it corruptly or maliciously, the Earl of Lucan was not without a remedy: it was competent to him to prefer charges against Lord Raglan, with a view to having his conduct investigated before a court-martial. There were plenty of cases in which subordinate officers had preferred charges against their superiors, in some of which they had succeeded and in others failed. Nobody can doubt that as the case now came before them, it was one between Lord Raglan and Lord Lucan — unless Lord Raglan had not the usual powers of Commanders. Lord Lucan complained that he had been aggrieved by Lord Raglan, and it was open for the noble Lord to prove that Lord Raglan had gone beyond the limits of the power and discretion confided to him, and that he had been actuated by unworthy or malicious motives. The papers in reference to the case were already before the House, and hon. Members were perfectly able to judge under what impression Lord Raglan conveyed his opinion at first, with regard to Lord Lucan. Lord Lucan had, however, been noticed for his gallantry in the field, and had already received the thanks of both Houses of Parliament. When Lord Raglan was obliged to speak more explicitly, and to state more fully his views with regard to Lord Lucan, which he had been forced to do by the course adopted by Lord Lucan, he said he had no intention of casting any slur upon his character, or indeed of hurting his feelings. Lord Lucan was not charged with having wilfully disobeyed orders, and it was just as much open to Lord Raglan to demand a court-martial upon the charges made by Lord Lucan as it was for Lord Lucan to demand a court-martial upon the charges made by Lord Raglan. What had been said by Lord Raglan against Lord Lucan was said in vindication of his own conduct. When his mode of noticing Lord Lucan's conduct was called in question, it was clear that large discretionary powers must be placed in the hands of the Commander of the forces. Precedents for the course that Lord Raglan had taken had frequently occurred under the Duke of Wellington in the Peninsula, and though officers might not have been satisfied, no complaints were preferred by them. The Commander in Chief, was answerable to his country for his conduct, but large discretionary powers in the field he must have, and if it was to be questioned in this manner, in one case, it might be in every other case. With these remarks, he would leave the matter in the hands of the House, believing that no case had been made out either against Lord Hardinge or Lord Raglan, and that there was no ground for calling for a court-martial.

MR. FRENCH said, he would admit that there might be some technical difficulties in the way of granting a court-martial, but still he thought the right hon. and learned Gentleman the Judge Advocate was not justified in his sneer against Lord Lucan for not having asked for a court-martial on the evening of the action of Balaklava. Lord Lucan, however, could not have demanded inquiry, immediate inquiry, on the spot, for he never dreamt that a report would be made such as that which had been made. Indeed, he had been assured by General Airey and others that the report would be favourable to him; and it was only when Lord Raglan's report came back to the Crimea that he learned what had been done. To the motion of the hon. Member (Mr. H. Berkeley) he had no objection, but he did object to the mode in which it had been met by the right hon. and learned Gentleman the Judge Advocate. The hon. Member for Bristol had spoken highly of the heavy cavalry charge, but he had not done justice to his noble and gallant Friend (Lord Lucan), for he had omitted to mention that this movement was ordered by him in person. No doubt the charge was brilliantly executed by General Scarlett, but the whole merit and credit of the business were due to Lord Lucan. The hon. Member said that Lord Lucan did not attend to the first order of Lord Raglan; but the reason was, because it was impossible to be carried out, for redoubts could not be captured by cavalry alone. The order was peremptory to wait for the infantry, but they did not arrive, and there was no reason to suppose that the order had been given to the infantry to advance. If it was the intention of Lord Raglan that the infantry should advance upon the redoubts, that order was never given. The second order was so exceedingly plain that it could not be mistaken by any one. The Russians had never made any attempt to carry off the guns that were in the redoubts abandoned by the Turks. Captain Nolan was an officer of great reputation and distinction: he had received the order sent to Lord Lucan, first verbally and then in writing. He had just left Lord Raglan, who commanded a view of the field, and there could be no mistake either as to the tenor of the written directions or of Captain Nolan's impressions of them, for he volunteered to show the way, and he rode a short distance at the head of the 13th Dragoons, when he unfortunately received his death wound. Regarded in a common sense point of view, Lord Lucan had no discretion whatever. The order was positive. For anything Lord Lucan knew, the fate of the French cavalry might have depended upon his arriving at a certain place at a certain time, and if a discretion on the part of an officer receiving such instructions were admissible, how could a commander in chief conduct any great engagement? It might have been possible to check the advance of the Russians only by one of those desperate charges in which a commander might find it necessary to sacrifice 300 or 400 to save a much larger number. That charge was one of the most glorious ever made either by English troops or by the soldiers of any other nation. His noble and gallant Friend did everything that man could do to make the light cavalry charge as effective and as little disastrous as possible. He himself led up the heavy division almost to the very point where the light division charged. Lord Lucan's disposition of the troops was skilful; he was himself wounded, and one of his aides-de-camp near him was killed. He made no error whatever himself, and he did all that a general and a soldier could do to remedy the errors committed by others. The case was one of injustice to his noble and gallant Friend, for which no redress could be obtained. The right hon. and learned Gentleman the Judge Advocate admitted that Parliament might interfere if a case of injustice could be made out. But no greater case of injustice could be made out than had been committed towards an officer who, from the moment he landed at the Crimea, had always been at his post and performing his duty.

Mr. J. G. PHILLIMORE said he should oppose the Motion of the hon. Member for Bristol and at the same time he must call upon the House of Commons to be cautious how it sanctioned a Motion which might be drawn into a most dangerous precedent. If they did so there would be scarcely any one in the public service censured by his superiors who would not call for the interposition of Parliament, and seek to overthrow the prerogative of the Crown. The noble lord (Lord Elcho) had been driven to the case of Lord George Sackville as a precedent for inquiry. Than that case it was impossible to imagine one more opposite than the case of Lord Lucan; in fact, they formed a perfect contrast. Why, Lord George Sackville had been branded as a coward at the battle of Minden by one of the greatest generals of the age. His reproof was, that his name was passed over in silence, which every one knew was the greatest punishment that could be inflicted upon him. The public indignation in England was excited to the highest pitch. Lord George Sackville was at once deprived of his command, and of all offices under the Crown, and declared incapable for ever again serving. Lord George Sackville was accused of the gravest offence—and he (Mr. Phillimore) thought rightly accused—that a soldier could be guilty of—cowardice. Now, Lord Lucan's bravery was admitted upon all hands—he had received the thanks of Parliament—and the only charge which had been brought against him, if charge it was, amounted to this—that he had misconceived the orders that had been given to him. In the eyes of any high-minded person such an offence must be regarded as of an extremely venial character. The courage of Lord Lucan was unquestionable and unquestioned—his zeal was unquestioned—and every one who spoke on the matter expressed great personal respect for his character. He would repeat that, if Parliament interfered here there would arise a hundred occasions upon which its interference would be demanded. At the same time, he must observe that, in his opinion, his right hon. and learned Friend, the Judge Advocate, had pushed too far the principle of condonation, for it was a principle of the law of England that a man might waive his own privilege, that his own privilege should not stand in the way of his obtaining justice. The other arguments of his right hon. and learned Friend he considered irresistible, and that the House of Commons, whether it regarded its own dignity or the prerogatives of the Crown, could not and ought not to interfere in this case.

Mr. BELLEW said, he adhered to the

law as laid down by the right hon. and learned Judge Advocate, which he maintained, in opposition to the opinion of the hon. and learned Gentleman who had just sat down, was the law as it stood, and by that law it was impossible to concede the trial demanded. Still, he must say that, in his opinion, Lord Lucan was a very hardly treated man. He felt it to be his duty, entertaining the very decided opinion he did upon this subject, to vote against the Motion. The Crown having exercised its prerogative, and deliberately declared that it was not the wish or intention of the Crown to grant a court-martial, it was not for the House of Commons to attempt to wrest that power from the Crown, nor any Member to question or contravene its undoubted right and privilege. It was with great pain—believing, as he had already said, that Lord Lucan had been very hardly used—that he would feel bound to vote against the Motion.

COLONEL DUNNE said, it was excessively painful for a military man to be placed in Lord Lucan's position, and he should not have ventured to trouble the House with any remarks, had it not been for certain doctrines on military law laid down by the Judge Advocate General. He agreed with a great deal of what had been laid down by that right hon. and learned Gentleman, but some points of his law he considered were perfectly new. The right hon. and learned Gentleman said the noble Lord could not raise the question, as it had already been decided by his superior authorities. This was tantamount to saying that no soldier had a right to have a question re-discussed in which the prerogative of the Crown was concerned. In the abstract he agreed with this principle, but the question to determine was whether a decision which the House and the country might think wrong should not be re-considered. The charges against Lord Lucan appeared simple, but they were very serious. In the first place, disobedience of an order in which Lord Lucan had exercised his discretion in not advancing, because the infantry were not sent. If he had obeyed, he must have advanced without the infantry; and having exercised his discretion, he was accused of having disobeyed the order. In a short time the second order came, and he was accused of having obeyed that order; and further, for not having brought the heavy cavalry into the same danger as the light cavalry. From his own opinion, and from the opinion of qualified officers, he was satisfied that Lord Lucan had done all that a prudent general could have done. The opinion of competent officers was that Lord Lucan could only do what he had done upon receiving the second order, and had he not obeyed that order, which both he and Lord Cardigan objected to, he must have braved disgrace for disobedience of orders. It had been laid down distinctly that the orders of an aide-de-camp must be obeyed the same as if given by the Commander in Chief. It was a mere quibble to say, that the order to advance to the front was not an order to charge. He must charge if he advanced. Lord Lucan was perfectly exonerated from blame in the opinion of the military men conversant with the subject and with all the circumstances. The doctrine of condonation had been pushed by the right hon. and learned Gentleman the Judge Advocate to an excess that he had never heard attempted before. Nothing was more clear, if a man was guilty of an offence, and afterwards went into action, that he could not be tried for that offence. But, assuming that a soldier had committed a theft, which was not discovered until after he had been ordered to march, that offence was not to be considered as condoned when the march was completed. The offender could be tried for the offence. That was the principle of Lord Lucan's case. Lord Lucan had never heard the charge that was brought against him until he came to England. Therefore the doctrine of condonation, as laid down by the right hon. and learned Gentleman, was utterly unworthy of him. But that doctrine, coming as it did from so high an authority, would be felt in the army as tending to confuse the law, and as being capable of being drawn into a precedent. He should much regret to see the House go to a division on this subject. He hoped the noble Lord at the head of the Government would reconsider the matter. He did not think it advisable to have a court-martial; but then there was such a thing as a court of inquiry, which would be satisfactory in this instance. Additional powers had lately been given to these courts of inquiry; witnesses might be examined on oath; and he would therefore put it to the sense of justice of the noble Lord to say whether such an inquiry might not be held, although for a court-martial not a tittle of ground existed? If Lord Lucan were tried on the despatch of Lord Raglan, he would be acquitted with honour. He believed, if all the facts were fairly brought out, that Lord Lucan would stand acquitted of any charge of misconception of Lord Raglan's order, and would be found to have done his duty in such a way as was an honour to the service and to the country.

Colonel SIBTHORP said, he must express the gratification he felt, that Lord Panmure had issued a circular to the militia, in conformity with the assurance given to the House a few evenings ago. He ventured to say, on the part of that service to which he had the honour to belong, and on the part of that corps of which he had the command, that a finer body of men did not exist in the world. He did not wish to make a boast of what he had done or what he might do, in spending any sums of money within his power to make them efficient. He had heard the statement made the other evening by the noble Lord at the head of the Government, about the enrolment of the militia, with great delight, and he had immediately telegraphed it to his regiment. [*Cries of* "Question."] Hon. Gentlemen might cry question, but this was a military question, and a question that interested him more than any other. He begged to assure the Government and the Crown that he would go any lengths to keep the Royal South Lincolnshire Militia in the most efficient state—and that nothing should be wanting in his purse or person to make them in every way worthy of the country, and able for any service, whether foreign or otherwise, that they might be called upon to perform.

Mr. DISRAELI: I cannot refrain, Sir, from expressing my opinion that the question before us to-night ought not to be the subject of a division. Having followed with much attention this debate, I entirely sympathise with the feelings of a gallant soldier like Lord Lucan, who, after having served his sovereign and his country with great courage and devotion, finds himself, at a moment like the present, in the peculiar position in which he is placed. I think, however, the noble Lord must have felt that, in a free country like this, where every man has the power, by some means or other, of appealing to opinion, and placing his conduct fairly before the public, great as are the difficulties in which he has been placed, the appeals he has made to the calm reflection of his countrymen have not been unattended by satisfactory results. But, whatever may be our feelings with respect to the noble Lord, and however we may sympathise with a gallant officer under the difficult circumstances in which he is placed, we must, with regard to the vote we are now called upon to give, look to the nature of the Motion before us. I am not inclined, Sir, to take a pedantic view of the nature or the power of the Royal prerogative. I believe that, as it at present exists, it is extremely beneficial to every one of Her Majesty's subjects. I am not inclined to uphold the dogma that that prerogative is too strong. My own feelings would influence me to a very opposite tendency. I would rather see the influence of that prerogative increased than diminished. At the same time, I cannot but admit that, under some circumstances in which the prerogative might be exercised, this House might feel it their duty to interfere. The first duty of the House of Commons is to redress the grievances of the people, and I suppose we have not arrived at that state of affairs when an individual who happens to be a nobleman may not yet enjoy the privilege of being counted one of the people. The first and the greatest grievance which any member of the community can suffer is certainly a denial of justice. If, therefore, it is alleged that there has been a denial of justice to any subject of Her Majesty, whether he be a patrician or a ploughboy, I maintain that it is our duty to consider the case; and, if we believe the appeal well founded, to do our best to afford justice to the applicant. But, Sir, I cannot bring myself to believe that the present is a case which sanctions interference with the prerogative. In a position of great difficulty the noble Lord has shown distinguished gallantry and great ability; and I may add, that in other positions of life he has exhibited qualities which entitle him to public respect. I cannot forget what Lord Lucan did in Ireland, in his character of a landlord, at a period when that country was in a position of very great difficulty, and when its affairs were brought under the consideration of Parliament. Although the right hon. and learned Gentleman the Judge Advocate has told us that this was really an affair between Lord Raglan and Lord Lucan, I could not resist the conviction, as I listened to the debate, that if the affair had only been left to Lord Raglan and Lord Lucan, there was no need why the country or Parliament should ever have been acquainted with it. The comments that were made upon the statement of Lord Lucan by Lord Raglan, the rejoinder of Lord Lucan to Lord Raglan, and all that afterwards occurred, even the representation to the Minister, did not necessarily require publicity. All this difficulty has been occasioned by the recall of Lord Lucan on the responsibility of the Minister of War. Now, what was the position of the Minister of War at that time? He was a Member of a Government in very great distress and difficulty, and against which a considerable amount of public odium was excited; and the Minister of War, when a victim was necessary—when it was thought, perhaps, that the recall of some general officer would in some degree appease public indignation, and might in some measure satisfy the vindictive craving which had seized the public appetite—fixed upon Lord Lucan. Taking advantage of circumstances which were within his official knowledge, he recalled Lord Lucan, he subjected a distinguished, and, as I believe, a meritorious officer, to a slur upon his reputation, and thus has led to all these discussions and debates. Now, although I cannot question in the present case, the exercise of the Royal prerogative, notwithstanding that perfectly legal, but, at the same time, in some respects, cruel exercise of the Royal prerogative, of refusing inquiry after condonation by which Lord Lucan has become the victim, I think there is one point upon which the House of Commons has a right to complain—there is one point which I consider a grievance. I cannot forget that this gallant officer, whose conduct is now so impugned, who is labouring under an infliction which must be most bitter to any man of generous spirit—I cannot forget that the noble Lord, in his capacity as a British general, was, a brief time since, marked out by Her Majesty's Government as worthy of almost the greatest distinction that an Englishman can possibly receive. I remember the then leader of this House (the noble Lord now absent) came forward and proposed a vote of thanks by the House of Commons to those who had distinguished themselves in those glorious victories, which, whatever the fate of this struggle may be, will remain for ever in the recollection of Englishmen. I had the honour—and I deemed it a high honour—of seconding the Motion of the noble Lord. I told the House in the few words I uttered the deep responsibility that I felt, for I myself considered that the public expression of the thanks of the Parliament of England was one of those inestimable rewards which an Englishman cannot too highly prize, and which ought to be classed with those stars and ribands which are the symbols of the feelings of respect which our Sovereign entertains for the subject who distinguishes himself. Her Majesty's Ministers are cheapening this great honour—they are treating it as a mere ceremony, as an idle ceremony—if they ask in this solemn and formal manner the House of Commons to express their thanks to the general officers, when they are in the possession of facts which could justify them in recalling one of those general officers in disgrace from the scene of his achievements and his conflicts. I do not think, Sir, the Government in this matter were acting fairly by the House of Commons. Either it was not acting fairly then to ask us to express our thanks to Lord Lucan for his conduct, or it is acting unjustly and unfairly to Lord Lucan now, after such a proposition, unanimously carried by this House, to recal, with a slur upon his reputation, that distinguished officer from the scene of his achievements. I do, therefore, think it a circumstance which requires some explanation—if Her Majesty's Government did not without thought propose the thanks of this House to the general officers, which were at once liberally, freely, and unanimously accorded, because there was only one opinion in this House as to the merit and services of Lord Lucan—if they did this when they were in the possession of circumstances which, according to their present interpretation, justify them in recalling the noble Lord from the scene of his professional labours. I will not attempt to give an opinion on those labours; it would be presumptuous in me to do so; but I have been glad to hear men who were entitled to give one, speak of the noble Lord in a spirit which I believe to be the general opinion of this country. As far as I can form an opinion from discussions, I certainly think that public discussion has not injured either the character or the career of the noble Lord. Although he may not receive the formal inquiry he has sought—sought, perhaps, without sufficient justification, but in a spirit which we must all respect—still it will be seen, however, that the character of the distinguished officer who has been engaged in the late struggle has been shown to be not unworthy of the public confidence and interest. I hope and trust that the result of those discussions has been soothing to the wounded spirit of Lord Lucan; but I cannot but say that the Motion, whether regarded in the spirit of the hon. Member who brought it forward, or of the noble Lord who seconded — and the two dispositions were very contrary—still I do not think that the Motion is one which the House of Commons can sanction. Still, in thus giving my opinion, I do not wish it to be inferred that I at all agree in any opinion adverse to the noble Lord's professional reputation and conduct as a gallant officer.

VISCOUNT PALMERSTON: Sir, I entirely associate myself with the expressions which have fallen from the right hon. Gentleman who has just addressed us, and in concurring with him in objecting to this Motion, whether placed on the grounds urged by the Mover, or whether placed on the grounds put by my noble Friend who seconded the Motion. I entirely agree with the right hon. Member for Buckinghamshire, and trust that nothing has passed in this debate which can be considered as casting anything on the military character of the noble Lord who has been the subject of the present discussion. Nothing can be more painful to this House than discussions of this kind, involving the feelings of individuals and matters of professional conduct. There must be topics—whoever may be the subject, or whatever the occasion which has given rise to them—which the House must always feel a disposition to avoid, unless they are absolutely forced upon its attention; and these subjects are particularly to be avoided when they relate to officers of the army and to matters of military discipline. It is quite natural, in the present state of things, when the attention of the country has been so painfully directed to military events at the seat of war, that this House should sympathise with the public, and should have its attention more than usually directed to matters of this kind. At the same time, I think that the House ought not to forget that the command of the army is, by the constitution of the country, vested in the Crown; and if this House, whose powers I do not wish to limit or define, should take into its own hands matters involving the discipline of the army, or should take upon itself questions with respect to good services and the maintenance of good order, which ought to be left with the Crown, and its principal advisers, you may depend upon it that such a course will give rise to dangers, the extent of which may not at first sight be seen. I think, on the grounds which have been stated, that this is a case in which it is impossible for the Crown to grant a court-martial. I think the examples which have been adduced in justification of a court-martial go quite the other way. The case cited of Lord George Germaine is one in which that nobleman was accused of not having done enough in the execution of an order; but Lord Lucan is found fault with for having done too much. Nobody has ever questioned the courage of Lord Lucan, or his services during the whole period of the time he was employed. His case is precisely the reverse of Lord George Germaine's, and not the slightest imputation has been cast on the military qualities of Lord Lucan, of which Lord George Germaine is said to have been deficient. If, Sir, therefore, I were asked to point out a case precisely the reverse of Lord George Germaine's, I should cite that of Lord Lucan. I think, therefore, we have the strongest grounds why a court-martial should not be granted. We have grounds of a technical nature, grounds of the inexpediency of such a course, and grounds of particular and general consideration. The right hon. Gentleman who has just sat down has adverted to a circumstance which I think tells in a different manner to that in which he applied it. He says, that Her Majesty's Government seem to have treated lightly the thanks of the House of Commons, by having recalled an officer—as he says, in disgrace—which I utterly deny—to whom the thanks of this House had been given. I must say, as far as the military services of Lord Lucan are concerned, the very fact of that vote of thanks having been given to him, is a proof that Lord Lucan well deserves the thanks of his country, and places his character in a position in which his best friends would wish to have it placed. Was he recalled, I ask, for reasons at variance with that vote of thanks? Was he recalled because he had not done good service? He was recalled because differences had arisen between himself and his commanding officer (Lord Raglan) — differences which placed Lord Lucan in such a relation with his commanding officer as to render it incompatible with the good of the service for him to remain longer with the army, and which rendered it impossible, in the view taken by the Government, that those officers could continue to act usefully together, and consequently Lord Lucan was ordered home. But he was not recalled in disgrace, nor was there any reflection cast upon his character, and I should be the last man in the world to sanction any such inference being drawn from his being recalled. As far as the professional feelings of Lord Lucan and those of his friends are concerned, I hope they will be satisfied with this discussion, for I do not consider that any grounds have been shown on which a court-martial can be granted. I therefore trust that this Motion will be negatived as one which it is inexpedient for the House on any possible grounds to adopt.

Mr. EVELYN DENISON said, he was willing that the Motion should be negatived, but he thought that as matters stood there was one person who could not but feel aggrieved at the course which the debate had taken, he meant Lord Raglan. The Motion had been brought forward with a view of defending Lord Lucan, but had resulted in a series of attacks on Lord Raglan, who as an absent man had every right to complain. He hoped, that while Lord Raglan remained at the head of the army, nothing would be permitted to transpire in that House which could damage his reputation or impair his authority. He had no objection to the course suggested by the right hon. Member for Buckinghamshire, but he humbly entered his protest against the charges which his noble Friend (Lord Elcho) had made against Lord Raglan while defending his relative, Lord Lucan.

Lord ELCHO said, he was not aware of having brought any charges against the Commander in Chief of the army in the Crimea. So far as he recollected, the only charge he made—if, indeed, it could be called one—was that, having brought those charges against Lord Lucan, and believed him to be incapable, Lord Raglan did not remove him from his command at once. After what had passed, he begged the hon. Gentleman (Mr. Berkeley) not to press his Motion to a division. The honourable and respectful manner in which Lord Lucan had been spoken of—the testimonies which had been borne to his military services and military capacity by the right hon. Gentleman opposite (Mr. Disraeli) and other Members of the House, and also by the noble Lord at the head of the Government, would, he was sure, be satisfactory to Lord Lucan himself, as they could not but be highly satisfactory to his friends.

Mr. H. BERKELEY said, he would consent to withdraw his Motion, as upon legal grounds the inquiry it asked for appeared to be impossible.

Mr. CARDWELL: Sir, before the discussion closes, there is one point that I think should not be left in doubt. The right hon. Gentleman (Mr. Disraeli) has stated that, in his opinion, the late Government were actuated in the recall of Lord Lucan by feelings connected with the difficulties in which they were placed by the public demand for a victim. Now, that is an imputation of a character that should not be left in any degree of uncertainty. I did understand that the answer of the noble Lord at the head of the Government intended to go to that point and to negative the statement, when he said that the ground on which Lord Lucan was recalled was the incompatibility which, in the opinion of the late Government, existed between the discharge of duty by the Commander of the Forces and the continuance of Lord Lucan in his command.

Viscount PALMERSTON: My right hon. Friend has correctly understood what I intended to say. The recall of Lord Lucan was founded entirely on the difference which took place between him and his superior officer, and there is no ground for the imputation which the right hon. Gentleman opposite (Mr. Disraeli) has cast upon the Duke of Newcastle of having made him a victim. For that act the Duke of Newcastle was not responsible any more than the rest of the Cabinet; it was the act of the Government, and I am as much responsible for it as the Duke of Newcastle.

Mr. DISRAELI: Sir, in the observations which I made to the House, I certainly did not intend to cast any imputations individually on the Duke of Newcastle. I have on all former occasions avoided making imputations on individual Ministers. I hold the Cabinet responsible, and not individual Ministers, and therefore I made no particular imputation on the Duke of Newcastle as distinguished from the rest of the Cabinet. But I beg to say in explanation, that I recognise no difference between the late Cabinet and the present; I look on them both as the same Administration.

Motion, by leave, *withdrawn.*

CHURCH-RATES ABOLITION BILL.

SIR WILLIAM CLAY, in moving for leave to introduce a Bill for the abolition of church-rates, said it was not necessary for him to trespass but for a very short time on the patience of the House, as it was not his intention to touch upon debateable ground, or to enter upon arguments calculated to provoke opposition. The main object of his present measure was the total abolition of church-rates, in which respect it was similar to the Bill which he had introduced last year. He felt, however, that in abolishing church-rates certain substitutes would become necessary, and were, in fact, the consequence, or, more strictly speaking, the complement of the abolition of the church-rates. The right hon. Member for the University of Oxford (Mr. Gladstone) had, in the discussion of the previous year, alluded to certain difficulties which, in the event of church-rates being abolished must stand in the way of defraying by voluntary contributions expenses which were now defrayed by the rate. He (Sir W. Clay) had not been unaware of the difficulty, and had therefore not thought the right hon. Gentleman's suggestion unreasonable. He had since then looked carefully into the state of the law, and had endeavoured in the Bill he now asked leave to bring in, to find a way by which they might be obviated. If Parliament, on the one hand, abolished church-rates, it was bound, on the other, to remove all obstacles to Members of the church, by free-will offerings, maintaining her fabrics, and supporting the decent performance of her services and rites. The present Bill, like that of last Session, would provide for the continuance of church-rates in all cases where charges had been contracted upon them as a security under the authority of exsiting Acts of Parliament. The first purpose to which the new provisions of the measure were directed was to meet the condition of affairs that would exist after this impost had been removed. They would provide for the new position in which churchwardens would be placed in their relation to those persons who might voluntarily subscribe towards the support of the edifices and the ministrations of the Church, and also for cases in which churchwardens might be reluctant to undertake such functions. It would likewise give the contributors to this voluntary fund a control over its application. It would be seen, therefore, that the general principle and tendency of the Bill were based on an entire reliance upon the willingness of the Members of the Church of England to maintain the edifices of the Church, and to defray the expenses incident to the performance of her rites. The next object which its provisions sought to attain was to empower parishes, if so disposed, to allot a certain portion of the area of their churches for pews, to affix a rent to those pews, and to apply its produce to those purposes for which church-rates might now be legally appropriated. Such an application of pew-rents was consistent both with precedent and with widely-spread practice under the sanction of existing local and general Acts of Parliament. The measure required that in no case should more than a given proportion of the church be devoted to pews, and that another portion should be allotted for free sittings. This part of the Bill was, however, in no way compulsory—every parish would decide in regard to it as it thought fit. Such, then, were the main provisions added by this measure to the absolute removal of church-rates. They had been framed in a desire to alter the law as little as possible consistently with the attainment of their immediate object. With the important exception of the absolute repeal of this objectionable impost, they were of an enabling rather than of an imperative character. He had not the least intention to change the *status* of the Established Church, to diminish the rights or the authority of her dignitaries and ministers, and still less to impair, by a single iota, the powers, privileges, or immunities of the inhabitants of any parish, or to deprive any subject of the realm of whatever rights or advantages he enjoyed in regard to the Church as it now by law existed. This Bill might not satisfy those who thought either that no alteration, or that but a very slight one, should be made in the present state of the law; but he certainly hoped that it would meet the views of those who, admitting the necessity not only of some considerable change, but of the entire abolition of church-rates, were yet impressed with a sense of the difficulties incident to such a proposition. These provisions would make the Bill workable in a practical shape. If the House would now consent to the introduction of the measure he would take care that it should be in the hands of Members immediately after the Easter recess, and that ample time should be given for the consideration of its details.

MR. MIALL seconded the Motion.

Motion made, and Question proposed, "That leave be given to bring in a Bill for the Abolition of Church-rates."

MR. WIGRAM said, as far as he could gather from the statement of the hon. baronet, the present bill was exactly the same in effect as that of last year, notwithstanding the alterations which it was proposed to introduce into it. As far as he could understand the hon. baronet's explanation, it did not differ either in principle or substance from the previous measure. It was simply a Bill to abolish church rates. There, however, appeared to be in addition to that a provision to enable persons voluntarily to contribute towards the support of the national Church; but without a Parliamentary enactment, he apprehended that enabling clause would be found in many cases wholly inoperative. It was also, he understood, proposed to allow money to be raised for the purpose by letting the pews. In many parts of the country, especially in the rural districts, that would be very objectionable. There might be no very great objection to it, probably, in some of the large towns, where wealthy persons generally occupy the pews, who would be willing not only to pay for their sittings, but also to contribute towards the maintenance of the fabric of the church, and the ministration of the elements; but in the country parishes any such provision would be wholly ineffective. Generally speaking, those parishes were too poor to raise funds for supporting or upholding the church, and if they failed, as he believed they would, in raising the funds by voluntary contributions, he much feared that they would not be able to let their pews. On a former occasion it had been shown that neither in point of law nor principle was the demand for the abolition of church-rates founded upon any plea of justice or expediency. The land of the country was as much bound to the payment of that impost as any other to which it was liable. It was a common law obligation attaching to the land, of which the owners were aware when they came into possession of the property. The demand for the abolition could not, therefore, rest upon any plea of justice. Then, with regard to expediency, the national churches were the national property of the country; they tended to the public good, and the promotion of morality and religion, and in that respect the Dissenters were as much interested in upholding them as members of the Established Church themselves. It was clear, then, that on the ground of expediency there was no plea for the abolition of the impost. The plea, and the only plea, ever put forward for the abolition of church-rates was, that it was a violation of the rights of conscience to call upon one portion of the community to compel them to contribute towards the maintenance of a religious fabric and the performance of religious services in which they did not concur. That was the principle involved in the present Bill, and if it prevailed it would be pressed hereafter to the extent of abolishing all religious endowments. To that principle he was opposed, and he trusted the House would not give its assent to it so far even as to allow the Bill of the hon. baronet to be introduced. A promise had been given by the late Government to introduce a Bill to remedy the anomaly of the law which the decision of the House of Lords (in the Braintree case, in which it was declared that though, by law, the burden rested upon the land, the option of carrying that law into effect rested with the majority of the parishioners) had created. If the present Government would fulfil the pledge so given, the inconvenience arising from the present state of the law would be obviated, and the proposal of the hon. baronet would be unnecessary.

MR. LLOYD DAVIES said he fully concurred in the observations of the hon. and learned Gentleman who had just addressed the House. He considered such a Bill as that under consideration would increase the difficulty that already existed, but it would change the complaining parties from the Dissenters to the Churchmen. It appeared to him that the object, so far as the conscientious ground was concerned, might be effected without any violation of public rights. They might deal with church-rates, he thought, on the same principle as they had dealt with tithes under the Tithes Commutation Act, and place the expense of supporting the fabric of the churches as a rent charge upon the land, leaving the elements of worship to be provided by the voluntary offerings of those who joined in the holy ordinances. With regard to raising a fund from pew rents in the country parishes, he believed it would be impracticable. In the two counties with which he was connected, there was not a single parish in which the pews were paid for.

Mr. ROBERT PHILLIMORE said, he cordially concurred in the wish that had been expressed by the hon. Gentleman opposite, that Government would bring in a measure to settle this long-vexed question; at the same time, he was not inclined to offer any opposition to the first reading of the Bill of the hon. Baronet. He thought it due to the House and to the subject that hon. Members should have the opportunity of reading the clauses of the Bill before they were called upon to decide upon them. If, however, the hon. Baronet imagined that he held out any inducement to Churchmen to concur in his object by the proposal to let the area of the church to the best bidders, he would find himself greatly mistaken. He was astonished, when he heard the hon. Baronet say, that he proposed to make but a very slight alteration in the law of the land. Why, it was impossible to make a more serious alteration in the common law of the land than to make the whole area of the church divisible into pews, to be let to the highest bidder. To this part of the measure he should give his most unqualified opposition. He was aware that in some parishes such an expedient was resorted to, but that was the exception; and in the very last Church Building Act a clause had been introduced to remedy the evil. In the hon. Baronet's Bill, however, this, which was one of the worst anomalies of the Church of England, would be continued, and that which was now the exception made the rule. He should be glad to know from the hon. Baronet, whether he proposed to include Scotland in the operation of his Bill? He had never yet heard any argument why the consciences of the Dissenters in Scotland should not be relieved as well as the consciences of English Dissenters.

Mr. BENTINCK said, he did not mean to trouble the House by entering into a discussion upon the general character of the measure under their consideration. He could not, however, refrain from entering his protest against its being brought forward at a period of the Session, when many hon. Members who took a deep interest in the question were precluded from recording their opinions upon the propositions which the hon. Baronet had just submitted to the House. They had received no intimation whatever as to the course which Her Majesty's Ministers intended to pursue in reference to the Bill; but, as we no longer suffered under the affliction of possessing a coalition Government, he had no doubt that noble Lords and right hon. and hon. Gentlemen upon the Treasury bench, whose antecedents were of a character so similar, would at all events unite in the decision at which they might arrive with regard to a subject so important as the abolition of church-rates, and would adhere to the opinion which had been expressed in opposition to a measure similar to that now before the House by one of their colleagues last year. He found that the noble Lord the Member for London had expressed himself, when the question was last under their consideration, to the effect that in his opinion it would not be wise or consistent with the position which the Established Church held in this country to abolish church-rates. That noble Lord had also stated that "to assent to the abolition of church-rates without any modification would, he believed, be a concession dangerous to the Established Church, and through it to the peace and welfare of this country." Now, having had that assurance from the noble Lord, and having reason to place confidence in the unanimity of the Government, he could entertain no doubt as to the course which they would feel it to be their duty to take with reference to the measure under discussion. At all events, he was justified in assuming that the noble Lord the Member for the City of London would, if he were in his place, vote against that measure. For his own part, he should at all times give to it his most strenuous opposition.

Lord STANLEY said, he apprehended that it was the wish of the House that no protracted discussion should take place upon that occasion with reference to the measure of the hon. Baronet opposite, but that such discussion should be postponed until the second reading of the Bill. That, no doubt, was the most reasonable course to adopt. At the same time, he must observe, that, as the measure contained so few details, and was so explicit—there being involved in it only one question of principle—it was matter of little importance whether the discussion of its provisions were to take place that evening or when it came to be read a second time. Everybody concurred in the opinion that the present state of the law with respect to church-rates was highly unsatisfactory. Looking back upon the history of the question, from the time of the Reform Bill in 1832 up to the present moment, he could not find that any Government had expressed its satisfaction with the existing state of the law. Almost every Government had, since then, tried its hand at the amendment of that law, but in that endeavour Minister after Minister had successively failed. The position in which they at present stood in relation to the question was, in his opinion, that if, after a period of more than twenty years, any amendment of the law could be introduced to meet the views of the Nonconformists and the Churchmen, such alteration should, at all events, receive a favourable consideration at their hands. They were therefore called upon to entertain a proposition for the amendment of the existing law, which dealt with that law in the only manner in which he believed it could now be placed on a satisfactory footing. As to the ministerial measure which had been promised to the House last Session, he could not say that he looked forward to its introduction with any great degree of hope. There had, for the last twenty years, been many Ministerial measures laid upon the table of that House for the purpose of remedying the defects of the existing law with reference to church-rates; but, as he had previously stated, none of those numerous measures had ever received the approbation of the Legislature. The provisions of the Bill now under their notice, he did not think the present was the time to discuss; but there was one proposal of the hon. Baronet which he conceived was liable to be misunderstood—he alluded to that by which the hon. Baronet meant to provide for the reception of voluntary contributions for the repairs of our churches. The difficulty which that proposition had been framed to meet was, he apprehended, that the churchwarden being, under the law as it stood, responsible for the repairs of the church, a hostile churchwarden might, even now, not only refuse to take any part in raising a rate, but might decline to apply subscriptions received for that purpose. Pew rents were matters of detail; the hon. Baronet (Sir W. Clay) he believed did not mean that the whole area of the churches should be appropriated on that footing, but that the larger portion should be left open and free. [Sir W. CLAY: Hear, hear!] These, however, were only matters of detail, the time for discussing which had not arrived, and, therefore, without pledging himself to approve of the measure, he (Lord Stanley) thought the House were bound to give it a fair trial, in the absence of any other proposition to amend the law, the state of which was admitted by all to be most unsatisfactory.

MR. H. DRUMMOND: Sir, it is just because I agree in the "major premise" of the noble Lord's proposition that I have arrived at an exactly opposite conclusion. It is because the measure differs in no respect from other similar measures, and that there can be no reason why we should not state our opinions upon it at this stage, that I oppose its introduction. Sir, this whole question is another instance of the many which we have seen since the Reform Bill of an error persisted in by our rulers till it becomes intolerable, and forces on the people something which they think is an amendment, but which always is, and never can be other than, a complete revolution. The evil insisted on for years is the partition of churches into pews. Nothing I have ever heard has justified—nothing can ever justify—this, which has now become a most intolerable nuisance. Next, there is the gross injustice of applying rates to rites of worship which they were never intended to support. When you admitted the principle of toleration to Dissenters, they had a right to object to have anything raised from them for the rites and worship of the Established Church. But the churches of England are national property. And you cannot separate this question from another. The only way in which you can deal with the Church here (however you may dispute elsewhere as to the meaning of the word) is by looking to the buildings in which the members of the Church assemble for worship and the salaries of the ministers who preside over them. With every other meaning of the word we have nothing to do. And the moment you admit that it is not a national obligation to uphold those buildings and pay those ministers, you had better do the bold and honest thing, which nine-tenths of the supporters of this measure mean and desire to do—that is to pull down the Established Church—[*loud cries of* "Hear, hear," and "No, no"]. I say that is what you mean. And why are you not manly enough to bring it forward, instead of tinkering and haggling about it in this way; trying to undermine the material fabric of the Church. You mean that. When that comes down, then the whole Establishment falls. This, Sir, is a middle-class movement — that middle class who have bought houses with this burden upon them, and who now want to get rid of it—robbing the Church on one hand and cheating the poor on the other. Robbing the Church of the rate and cheating the poor of the pews, to which they now have a right. Parcelling the churches out into pews, and letting them out to the highest bidders, to make the most money out of them. If the churches are not national, and to be supported by the people at large, let the Government take them, and let the houses be valued, and the fair amount of their liability to church-rate estimated and paid into the Exchequer as a fund, out of which to maintain them. Whenever any revolutionary measure is proposed, it is professed to be in order to "uphold our institutions," and now you are wanting to pull down the churches by way of upholding the Church. Why repair the Royal Palaces, and why uphold the Civil List? They stand on the same footing as church-rates. And if you declined to maintain them longer, what would become of Royalty in this country! Put down church-rates, you put down the Church; and, depend upon it, you can never uphold it by withholding support from its buildings.

Mr. E. BALL said: the hon. Gentleman who had just sat down down had cast upon the hon. Baronet the Member for the Tower Hamlets (Sir W. Clay) imputations of a most ungenerous and unfounded nature. The hon. Member for West Norfolk had objected to the introduction of this measure, because the House was about to adjourn till after Easter; but he (Mr. E. Ball) thought that that was just the reason why the Bill ought to be introduced now, because in the Easter recess hon. Gentlemen would have an opportunity of considering it. The hon. and learned Member for the University of Cambridge (Mr. Wigram) had said that the great objection to this measure was, that, if it were passed great difficulties would be experienced in obtaining money to repair churches in country places. He (Mr. E. Ball) presumed that the poorer part of the population in those places were Dissenters, and yet they contrived to build and repair their chapels and to support their ministers. You could scarcely find one country place throughout the whole of this magnificent kingdom, in which there were not Dissenting chapels which were supported by the voluntary contributions of Dissenters. Why, then, should any fear be entertained that the wealthy part of our population would not support the Church of which they were members? If there was any ground for such a fear, he must suppose one of two things—either that they were unwilling to support their own Church, and did not take so deep an interest in religion as Dissenters did, or that they objected to the principle of voluntary contributions. But he should be very unwilling to impute either of those things to the rich members of the Church of England. But the law, even as it stood at present, was not compulsory with regard to the repair of the fabric of the Established Church. Without the assent of the majority of the ratepayers, a church-rate could not be imposed either in towns or in country places. And, gradually, the whole of the country would refuse to give their assent to the levying of church-rates. Very little, therefore was to be gained by the members of the Church of England succeeding in resisting this Bill. The hon. Gentleman opposite (Mr. Drummond), who was always ready to cast imputations upon the motives of those who differed from him, had said that nine-tenths of the supporters of this Bill aimed at the destruction of the Church. Now he strenuously denied that such was their intention. He was as sincerely attached to the Church as was the hon. Gentleman himself. If the hon. Gentleman was affectionately attached to the Church, why did he not propose to set her free from the odium which the leveying of church-rates and other matters brought upon her, whereby the affection of multitudes of the people of this country was alienated from her? Dissenters were not unwilling to contribute voluntarily to the repair of the fabric of the Church, and it ought to be the policy of the Church to deal affectionately, and not harshly, towards them. The Dissenters were nearly, if not altogether, the majority of the people of this country. They were training 3,000,000 of children, the greater part of whom were taught, not by the catechism, but by the New Testament. Those children were the rising generation of the country, and it ought to be the policy of the Church of England not to insult, but to treat them affectionately when they came to the age of maturity.

Mr. MUNTZ said, he very much wished to know what was the use of retaining a law that was practically inoperative? In the town which he had the honour of representing there had not been a church-rate for twenty years, and, although he himself had subscribed as much for church repairs as he should have been called on to pay had there been one, that was no reason why he should advocate that persons dissenting from the Church of England should be called upon to contribute. It was disgraceful to the Church of England to ask a Dissenter to pay church-rates. Why, one man might as well ask another to pay for his washing and lodging! The Church of England was quite able to support itself, and he believed that every real churchman was individually opposed to levying rates upon Dissenters. But it was a curious circumstance that a body of persons would frequently do that which the persons forming it would individually be ashamed to do.

Mr. PACKE said, he thought that the House ought to receive some explanation as to the course which the Government intended to pursue with respect to this measure. He had last year asked the Government what course they proposed taking with regard to church-rates, and the noble Lord the Member for London had said in reply, that he would, after the recess, state the intentions of the Government on the subject; and now he thought that it was very necessary for the House to know how far the Government approved of the measure of the hon. baronet. He himself had not heard anything to induce him not to offer a decided opposition to the measure, which appeared to him to give to church-rates an optional principle which was highly objectionable. By the levying of tithes all were called upon to contribute to the support of the clergy, and it appeared to him to be inconsistent that a provision should be kept up for the support of the clergy, while provision for the repair of the churches in which they were to preach was abandoned.

Colonel SIBTHORP said, he did not care what course the Government intended to pursue, but, acting on his own judgment, he should oppose the Bill. He had heard with great satisfaction the speech of the hon. Member for West Surrey (Mr. Drummond). He himself was actuated by no hostile spirit to Dissenters; on the contrary, he respected them, and was honoured with the support of many of them, but he would not shrink from the duty of supporting the Established Church. He always took a straightforward course, whether right or wrong, and he felt bound to oppose a Motion which would undermine the Church, and which was supported by many hon. Members, he firmly believed, solely that they might secure their seats. It appeared to him to be the fashion of the day to subvert everything, and the result was that the country was on the verge of danger, if not of ruin. Everything in its turn was attacked—the Church, the Law, the Navy, and the Military department. He had often said, let well alone, and he believed most firmly that Radicalism and the Reform Bill would prove to be the principal causes of the ruin of the country. He could only say, that his main ambition was to sacrifice his life and fortune, if it should be necessary, in his country's service.

Mr. FLOYER said, he did not feel himself bound by any arguments which had been raised respecting the interests of large towns. For many years past the interests of large towns had been too exclusively considered by that House, and it was now time to consider the interests of county constituencies. They were often called upon to vote large sums for the support of such institutions as the British Museum and National Gallery, because they afforded means of instruction and education; but what institution could compete with the National Church as a great public instructor for the poorer classes, and how could they refuse the small sum required for church-rates throughout the country, when they so willingly granted large amounts for the purchase of objects of *virtù* or decorative ornament? If in the country church-rates were abolished, great difficulties would be experienced in maintaining the fabrics, and, therefore, if the Legislature unwisely determined to adopt the proposition of the hon. Baronet the Member for the Tower Hamlets, they would inflict a serious injury on the country by restricting the benefits of the Church, and depriving the poor of that to which they had hitherto looked with firmness and success for consolation.

Mr. MOWBRAY said, he was of opinion that if, as was asserted, the principle of the present measure was the same as that of the Bill rejected last Session, the existing law was entitled to the same support it then received. The noble Lord the Member for London on that occasion took the high ground that church-rates stood on the same footing as the hereditary institutions of the country, and the upholders of the system might, therefore, look with some confidence to the support of a Government which, although changed, still retained many of the individual Members composing Lord Aberdeen's Administration. The hon. Member for Birmingham (Mr. Muntz) had said, would they show him any great town where for some years past they had been able to enforce church-rates? A Return had been obtained by the hon. and learned Member for Tavistock (Mr. Phillimore) which showed that, in the large parishes of this metropolis, since the agitation of the present question, church-rates had been granted in a very great number of cases. He, therefore, denied that the popular feeling was as much against church-rates as had been represented. Although he would confess that the large towns opposed the imposition of church-rates, they must place against them the 10,000 or 12,000 rural parishes, where the law was readily enforced, and was looked up to by the parishioners with veneration and respect. He admitted, however, that with regard to Dissenters it was in an unsatisfactory position, and, being inclined to consent to some compromise on the subject, he had looked anxiously for a proposition of that nature from Her Majesty's Government. Believing that such a compromise would yet be made, he should vote in opposition to the present Motion.

VISCOUNT PALMERSTON: The question, Sir, now brought under the consideration of the House is undoubtedly one beset with great difficulties of both kinds. It is exceedingly difficult to maintain the law, and it is exceedingly difficult to alter it in a satisfactory mode, and those difficulties have been long felt. In the first place, the contest about church-rates keeps up animosities and religious differences between sects in a way very prejudicial, I think, to the general interests of the country, and prejudicial, I should also say, to the interests of religion itself. It must be admitted upon all hands that if an arrangement could be made which would provide adequately for the repair of churches and chapels without involving questions of religious controversy, it would be a great blessing to the country at large. There has been, for a long time, a difficulty with regard to the maintenance of the existing law, and I think that the decision which took place not long ago in regard to that law—and which was referred to by the hon. and learned Member for the University of Cambridge (Mr. Wigram)—has increased that difficulty. When it is stated by hon. Gentlemen opposite that the maintenance of the fabric of the Church is a part of the law of the land, they appear to forget that, by recent decisions, there is no power of enforcing that law. If the law were that a compulsory power existed requiring every parish to levy a rate, then I agree that that would be the best mode of providing for the fabric of the Church, and those who wished to maintain church-rates would act consistently in supporting that law. But when the law says that the fabric of the Church must be maintained by rates which are to be raised in parishes by a vote of the majority of the parishioners, then it becomes no longer the law that the church must be maintained by rates, because it depends entirely upon the will of the parishioners whether church-rates shall be levied or not. I was sorry to hear a comparison made between the position of large towns and country parishes. That is a question which ought not to be mixed up in an argument of this kind. Though, if you come to consider what are the localities in which the largest repairs of churches are the most needed, and the largest amount of money is required, you will find that they are those very towns where the majority of the inhabitants are against raising that money by church-rates. I think, therefore, that all must feel that some change in the law is very desirable in the interest of the Church itself. How is that alteration to be made? That, undoubtedly, is a very serious question, and one on which I beg to refrain from pronouncing any decided opinion upon the present occasion. Now, it is said that the present Bill is almost identical with that which the House rejected last year. I do not think that that assertion is correct. My hon. Friend (Sir W. Clay) has shadowed out and explained shortly and clearly those modifications of his plan which renders it very different from the simple proposition for a total abolition of the tax which he made last Session. Therefore, regarding this as a subject which is well deserving of consideration, and reserving to Her Majesty's Government full freedom to deal with the measure when it shall be introduced according to their judgment of its merits, I shall certainly not oppose the introduction of the Bill.

MR. HENLEY said, he could not agree to a proposal to sweep away church-rates without any substitute being provided, but, without entering into any argument, he thought the best protest he could make against any proposition of that kind was to vote against the introduction of the Bill.

MR. SPOONER said, that the main reason given by the noble Lord for entertaining the project of a total abolition of church-rates was the alteration of the law in regard to the collection of those rates; that alteration took place in August, 1853, and yet in the year 1854 he found the noble Lord concurring with the noble Lord the Member for the City of London in a vote declaring that it would be dangerous to society to effect a total abolition of church-rates. Without entering into the merits of the question, he should take the same course as that of his right hon. Friend who had last addressed them, and vote against the introduction of the Bill.

MR. LUSHINGTON said, the noble Lord the Member for King's Lynn (Lord Stanley) had stated that the question had been taken up by several Governments. So far, however, as he knew, no Government had done so since Mr. Spring Rice had introduced his Bill in 1847. He (Mr. Lushington) should be glad of any reasonable proposal for the settlement of the question. He hoped that such a one would emanate from the Government.

Motion made, and Question put, "That leave be given to bring in a Bill for the abolition of Church Rates."

The House *divided*:—Ayes 155; Noes 76: Majority 79.

Bill *ordered* to be brought in by Sir WILLIAM CLAY, Mr. HUTT, and Mr. MIALL.

Bill read 1°.

JUVENILE CRIMINALS.

MR. ADDERLEY said, it was not his intention to bring forward that night his Motion upon the subject of reformatory schools, because he hoped that Her Majesty's Government would introduce a measure on the subject, and he had only given his notice because they had delayed to do so. But he should, as early as possible after the recess, introduce a Bill for the amendment of the Youthful Offenders Act of last Session. The amendment he should propose was nothing more than to facilitate the operation of one portion of that Act, which had not been effectually carried out—namely, the recovery from their parents of the cost of the maintenance of children at the reformatory schools. It was very important that the parents should not be relieved of the cost of maintaining their children, by their being sent there. The country was much indebted to the noble Lord at the head of the Government for the Youthful Offenders Act that was passed last year. Its provisions had been extensively acted upon, and there were now no less than twelve institutions, most of them county or other public institutions, already established, or in process of being established, under the powers of that Act of last Session. He only intended to propose two clauses, to render it more effectual; but if Her Majesty's Government would introduce a Bill, he would leave it in their hands.

FREE SCHOOLS BILL.

MR. MILNER GIBSON said, that having been Chairman of a Committee of inquiry into the subject of education, which sat the whole of one Session and part of another, he thought it his duty to submit a plan to the House such as, in his view, appeared consistent with the evidence taken before that Committee. If the Committee had reported in favour of any particular scheme he would not have presumed to do so; but, as they made no Report, he thought it right to ask the House to see a plan which was based upon the information there obtained. He did not propose to introduce the measure in any antagonistic spirit to the right hon. Baronet the Member for Droitwich (Sir J. Pakington.) He felt that their objects were at least the same. He believed that in material points, perhaps the most material, they were agreed. They were agreed that schools should be free and supported by local rates; but he thought the Bill he now asked leave to introduce would accomplish what the right hon. Baronet professed a wish to accomplish, but failed to effect, by his measure—namely, the establishing of entire local management and control in reference to the rates, and securing liberty of conscience. He was sure it would be to the advantage of the right hon. Gentleman that he should know in what those who promoted the secular scheme differed from those who promoted the plan which he had undertaken to carry through Parliament, and that it would be more convenient to see those differences in the form of a Bill than in amendments proposed on his measure during its passage through Committee. He should therefore move, without further preface, for leave to bring in a Bill to establish free schools in England and Wales.

SIR JAMES DUKE seconded the motion.

Mr. MILES said, he could see no objection whatever to the introduction of this Bill. In common fairness the House ought to hear the opinions and to discuss the plans of every sect of educationists before they decided upon adopting any particular scheme.

Viscount PALMERSTON said, of course it was very desirable that all the various schemes should be laid before the House, and there could be no objection to the introduction of this Bill.

Mr. WALPOLE said, he quite agreed that it was very desirable that the House should be put in possession of the different propositions made for the extension of education. There were now five schemes before them, two for Scotland, and three for this country, namely, the Government measure, the Bill of the right hon. Baronet (Sir J. Pakington), and that now proposed by the right. hon. Gentleman, (Mr. M. Gibson). Upon the principle of these Bills it was premature as yet to pronounce an opinion ; but he wished to ask the Government whether they intended to proceed with the Bill of the noble Lord the Member for the City of London on the day at present fixed for its second reading, and whether, soon after Easter, they would be prepared to state the details of the scheme upon which they thought the education of this country ought in future to be conducted ?

Sir GEORGE GREY said, the principle of the Bill of his noble Friend the Member for London, and of the Bill of the right hon. Baronet the Member for Droitwich, was the same. The Bill of his noble Friend would not be proceeded with on the 16th of April, the day fixed, but would be proceeded with shortly after the return of the noble Lord.

Sir STAFFORD NORTHCOTE said, there was one omission in both of the Bills before the House of which it was proper the right hon. Gentleman the Member for Manchester (Mr. M. Gibson) should be informed. He felt that some of the difficulties which were most in the way of those anxious to promote education might be overcome by the establishment of industrial schools ; but he saw no provision either in the noble Lord's Bill or in that of the right hon. Baronet (Sir J. Pakington) for establishing schools of such a character. At present many parents could not be induced to send their children to school while employment could be got for them. Now if you could establish industrial schools where children could be instructed in useful occupations, as well as profitably employed, he thought this would overcome objections on the part of the parents, and could not fail to promote largely the cause of education throughout the country.

Mr. HADFIELD said, he should be glad of some further explanation of the intentions of the Government. Several of the education Bills would come on before the noble Lord's (Lord J. Russell's) return, and what was to be done with them ? The Bill of the hon. Member for Manchester was a secular Bill, and excluded religion ; the Bill of the right hon. Member for Droitwich provided for teaching the religion of the majority. He (Mr. Hadfield) disapproved of the caricatures and hideous representations of the ignorance of the people, which had been so industriously depicted. It was not fair or honest that no mention was made of 2,300,000 children being taught religiously in the Sunday schools, by 263,000 teachers who possessed their confidence and affection.

Mr. HEYWOOD said, he thought the suggestion of the hon. Baronet opposite (Sir S. Northcote) as to industrial schools was deserving of attention. It was clear that some compromise must be come to by the advocates of the five Bills before the House, and, for his own part, he should be quite willing to accept of some such moderate plan as that in operation in Ireland, embracing the use of Scripture extracts in the schools.

Mr. HENLEY said, he thought that, with so many schemes before the House, there was danger of something like a triangular dual on the subject of education. He could not say he agreed with the principle either of the noble Lord's (Lord J. Russell's) Bill, or of the measure introduced by his right hon. Friend (Sir J. Pakington), and he should certainly not be sorry to see the scheme of the right hon. Member for Manchester (Mr. M. Gibson) in competition with the other plans before the House.

Mr. MILNER GIBSON said, that in reference to the remarks of the hon. Member for Dudley (Sir S. Northcote) there was a provision in the Bill for the establishment of industrial schools.

Leave *given.*

Bill *ordered* to be brought in by Mr. Milner Gibson, Mr. Cobden, and Mr. Headlam.

Bill read 1°.

The House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Friday, March 30, 1855.

MINUTES.] PUBLIC BILLS.—1ª Charitable Trusts (1855); Cambridge University; Jurisdiction of the Stannary Court Amendment.
2ª Dean Forest, &c.

ECCLESIASTICAL COURTS BILL.

House in Committee (according to Order).

LORD BROUGHAM said, that this Bill consisted, as it came from the other House, of two parts. As to one part, that which abolished prospectively all proceedings in the Ecclesiastical Courts for slander and defamation — there could be no doubt. With respect to the second part—that which enabled the Ecclesiastical Courts, under certain restrictions, to liberate persons who were already imprisoned for the non-payment of costs, some difficulties had been found to exist. There was every disposition to enable Ecclesiastical Courts to liberate such persons; but there was great difficulty in such retrospective provisions, particularly where the private interests of individuals were concerned. But it appeared to those who had considered this matter, that the Act which was framed in the year 1840, by his learned friend Dr. Lushington, to give to the Judicial Committee, and to the Judges of the Ecclesiastical Courts, power, under certain restrictions, of dealing with the cases of those persons who had been sentenced, and who had afterwards been detained in prison for the non-payment of costs, might be extended so as to apply to the class of cases he now contemplated. The provisions of that Act applied chiefly to church-rate cases; but they might, he thought, be very well extended to cases of slander and defamation. He thought, and those who assisted him, that they might be able, before the third reading of the Bill, to frame some clause instead of the second of this Bill, to which, as it now stood, he had a great objection; but it did not appear a hopeless task so to modify the clause as to make it entirely unobjectionable. One of the most venerable ornaments of the Church, the Chancellor of the diocese of Carlisle, had written to say that he suffered severely from the pressure of the present law. It often happened that a woman in some brawl, possibly a squabble in an alehouse, was overheard, unhappily, by some practitioner of the law to use defamatory expressions; and a suit was instantly commenced, undeniably for the purpose of obtaining costs. The poor woman paid a little, and being unable to pay the rest, she went to prison, and was imprisoned for a long time. The Chancellor justly observed that it was very painful to him to be put in a position where he had no choice allowed him; he must pronounce sentence, and order the payment of costs, and then the commitment for non-payment. He (Lord Brougham) did hope, therefore, some means would be devised of relieving, not only the parties against whom the suits were instituted, but such excellent persons as the Chancellor of the diocese of Carlisle, from being subject to those malpractices. There could be no doubt that, prospectively, such jurisdiction ought to be taken from the Ecclesiastical Courts; but with respect to the case of Charlotte Jones, a woman who had been incarcerated for a long period under such a sentence, he (Lord Brougham) might be allowed to remind their Lordships that, in presenting her petition the other day, he made no allusion whatever reflecting on the Ecclesiastical Court which had pronounced that sentence, and to which the same remark would apply as he had just used with reference to the Chancellor of the diocese of Carlisle—that they were passive in the matter, and could not act otherwise than as they did. It had gone forth, however, that some remarks were made against the particular court by which she was sentenced, whereas the contrary was the fact; and in the other House of Parliament, when this Bill was brought forward by his learned Friend (Dr. Phillimore), the case of Charlotte Jones was never mentioned. The Chancellor of that diocese, Dr. Williams, was, he understood, one of the most respectable members of the Church, and had been for thirty-five years in high ecclesiastical office; and during the whole of that time there had not only been no appeal against, but no exception taken to any of his proceedings.

THE LORD CHANCELLOR said, he would bear witness that not a word fell from the noble and learned Lord reflecting on the tribunal which had committed Charlotte Jones, which had only done what it was bound to do, and could have done nothing else. But, with regard to the difficulty suggested of a retrospective remedy, it would be better to strike out the second clause of this Bill.

LORD BROUGHAM consented that the clause should be struck out, in order to its being amended in the next stage.

Lord ST. LEONARDS said, that in the Court of Chancery, when a person had been discharged from his utter contempt of court, and was only in custody for contempt in not paying the costs, those costs were now, by a measure which he (Lord St. Leonards) introduced for that purpose, made a subject for the Insolvent Court; and, therefore, a person might always get out of prison, and discharge himself of any amount of costs under the Insolvency Act. It would not be unreasonable to adopt a similar arrangement with respect to the costs of suits in the Ecclesiastical Courts, but as their jurisdiction of slander and defamation was intended to be abolished, he should not object to give power to the Judge of the Ecclesiastical Court to mitigate, in certain circumstances, the costs incurred by persons on whom sentence had been already passed. Undoubtedly the case of Charlotte Jones was one of those to which relief would so be given; but he believed there never was a case that was less entitled to their Lordships' attention; because in that case, he was informed, six months were allowed to elapse before any proceedings were taken to recover the costs, and every reasonable proposition was then made to spare her; but some persons were determined to be made martyrs, and so a great outcry was raised about that particular case—which, indeed, as well as others, he desired should have the benefit of this Bill. The noble and learned Lord then said that he hoped to receive any assurance from the noble Lord on the woolsack that the Government would be prepared this Session with a solution of that difficult, but most important, question, the transfer of the jurisdiction of the Ecclesiastical Courts. He hoped the Government would not proceed with this Bill until every other part of the subject had been fairly brought before the House.

The LORD CHANCELLOR said, that the subject was proposed to be dealt with in a series of Bills, one of which, the Bill for providing an improved jurisdiction in testamentary cases, would be introduced by the Solicitor General in the other House that evening. Among the other measures which would be brought in were a Bill dealing with divorce cases, and a Bill for the amendment of clergy discipline. But substantially the whole subject of the jurisdiction of the Ecclesiastical Courts would be before Parliament at one and the same time.

The Bishop of EXETER expressed his satisfaction at the prospect of legislation upon this matter, and acknowledged that cases of defamation generally were exceedingly unfit for an Ecclesiastical Court; but there were certain exceptional cases in which defamatory words were alleged to have been spoken by one clergyman against another; and his Lordship referred to a very recent case of that character, and to state his apprehension lest, in some instances, where the defamatory words that were spoken could not be made the subject of any civil action, and were injurious more especially to the plaintiff in his ministerial and spiritual character, no remedy should be left by this Bill.

Lord BROUGHAM said, he would recommend the suggestions of the right rev. Prelate to the consideration of their Lordships and the Government during the interval that must elapse before the Bill should pass through its next stage.

An Amendment made.

CRIMINAL PROCEDURE.

Lord BROUGHAM rose to call the attention of the House to the Resolutions he had laid upon the table, and to the adjourned debate of the 23rd and 26th instant, in reference to Criminal Procedure. The more he considered the subject the more he remained of opinion that the course to be taken was the one he had then glanced at—to ask for a Commission to consider the whole subject. It had been found that this course of proceeding had been successful in 1828. In the statement which he then made it appeared that there were ninety-five grave defects in our law; that of these ninety-five no less than eighty referred, not to the law itself, but to the procedure and administration of that law. A Commission was issued, and of these eighty, sixty had since been removed. He was thus encouraged to ask the House to adopt the same course now with respect to the criminal law which had then been taken as to the civil, and he hoped that his noble and learned Friend on the woolsack, with Her Majesty's other Ministers, would consider in the holidays the expediency of issuing a Commission to examine the whole of this important subject—for the manner in which the law was administered was even of more importance than the law itself. He knew, from communications which had reached him within the last week or ten days, that the deepest and most general interest was felt in these discussions, and in the proposed amendments of the law. There were one or two of the eighteen Resolutions he had laid before the House on Friday last—the second and the twelfth of them—as to which there was, some hesitation on the part of persons in whose judgment he was disposed to place the most implicit confidence, and which he, therefore, proposed to withdraw for the purpose of modifying them. It had been apprehended that the second Resolution pointed to excluding the local authorities; it did not so point; but he should add words to make that clear. Then it had been suggested that the mere repayment of costs to a poor person who had been improperly arrested, tried, and acquitted was not a satisfactory compensation; the great difficulty was for the prisoner, however innocent, to defray the expense of procuring the attendance of witnesses. He (Lord Brougham) should, therefore, add a sentence to the twelfth Resolution to enable the committing magistrate in such a case to certify what witnesses for the prisoner should be brought to the place of trial at the public expense. There was another very important and delicate subject which had been pressed on his attention—the unanimity of jurors in criminal cases. An important improvement in civil cases was proposed last Session in the Common Law Procedure Act, and carried through the House of Lords; but, unhappily, the clause was rejected by the other House—he meant that clause which would have enabled the Judge to take the verdict of ten jurors, if two obstinately held out. The rejection of that useful clause as applicable to civil cases was a great loss; but he should pause long before he could propose the extension of the same principle to criminal cases, although instances had been brought under his notice, some of which were of such a character that he hardly dared trust himself to express his feelings upon them. It was indeed extraordinary that a man, because he happened to be a member of what was called an "Anti-Punishment-of-Death Society," and happened unfortunately to be summoned on a jury, sworn to give his verdict according to the evidence and the law, should hold out and prevent the law taking its course, because its results might be contrary to his individual opinion. Nevertheless, although such things had happened—and very recently happened, in a case that was most clear and manifest, a case he would not more particularly allude to, because, right or wrong, there had been an acquittal—although such things had happened once and again, he should be slow to alter the law that required an absolute unanimity for the verdict. The subject deserved consideration, for there had certainly been an entire failure of justice. It would give him great pleasure to hear, after Easter, that the Government had determined to issue a Commission to inquire into our whole system of criminal procedure.

Moved,

"That the Resolutions moved on Friday last be amended as follows:

"In Paragraph II. after ('Government') insert ('acting as far as possible in concert with the local Authorities'):

"In Paragraph XII., at the End thereof, add ('and that the committing Magistrate should have Power to certify what Witnesses for the Prisoner should be brought to the Place of Trial at the public Expense')."

The same was *agreed to.*

THE LORD CHANCELLOR said, that no one could deny that the country was deeply indebted to his noble and learned Friend for his labours in law reform and many other subjects; and he had, if it were possible, added to his reputation by his Motion on Criminal Procedure.

LORD BROUGHAM said, he desired to have more success and less reputation.

THE LORD CHANCELLOR said, his noble and learned Friend was rather unreasonable about success, when it appeared that seventy out of ninety-five of his proposals had been carried.

LORD BROUGHAM said, that the others not yet carried were by far the most important, and were worth all that had been carried put together, except, perhaps, the County Courts and the Evidence of Parties.

THE LORD CHANCELLOR said, it might perhaps be thought that he was exercising an undue amount of caution on the occasion, but he did not wish to commit himself or the Government with respect to the course which they would adopt in reference to the Resolutions of his noble and learned Friend: he would add, however, that it appeared to him the most practicable mode of attaining the desired results was that the subject should be inquired into by the persons most competent to form an opinion of its difficulties and advantages. He was the more unwilling to give any positive opinion upon the matter in the absence from town of his noble and learned Friend the Lord Chief Justice, who therefore could not give him the aid of his opinion and counsel. He would, however, assure his noble and learned Friend that the matter should meet with his attention during the recess.

Lord HATHERTON added his earnest recommendation to the Government for the appointment of a Commission, and expressed a wish that the Resolutions of his noble and learned Friend should be printed with the Minutes. The noble Lord added that if the matter had been brought forward after the recess, which he should have preferred, he and many other noble Lords would have been prepared to bring forward illustrations of the present state of criminal procedure, and to show that, sooner or later, there must be an alteration.

Motion *agreed to.*

ADJOURNMENT OF THE HOUSE—THE GOVERNMENT AND THE WAR.

Earl GRANVILLE rose, pursuant to notice, to move the adjournment of the House until Monday, the 16th of April.

The LORD CHANCELLOR interposed, and said he hoped the adjournment of the House would only be moved until Monday next, as he proposed on that day and on Tuesday to dispose of some appeal cases, in conjunction with his noble and learned friends. He would take care that on Tuesday the adjournment should take place until Monday, the 16th of April.

The noble Earl then *moved*—That the House be adjourned to Monday next.

The Earl of ELLENBOROUGH: Then the House is to understand that the real adjournment of the House for purposes of public business is until Monday, the 16th of next month. [Earl Granville indicated his assent.] I think the Government have proposed an adjournment of somewhat unusual length, after a sitting during which a very small amount of public business has been transacted; and I confess I very much regret that we shall, in consequence, probably be detained a week longer in town at the end of the Session, attempting to transact public business at a time when, as we know, it is remarkably ill transacted. But, at any rate, this adjournment constitutes a break in the Session, and I think it will not be inconvenient that we should take this opportunity of looking back a little, of looking also at our present position, and at the same time looking forward; though the latter operation is one, I am afraid, which is very rarely peformed. It so happens that we are now exactly at the termination of the first year of the war, and it may, therefore, be convenient that we should consider how we stood at the beginning of the war, and what we have as yet done. Now, at the beginning of this war, a year ago, we had a very strong Government—we had a very fine army. We have since lost half that army—we have also lost half that Government. I am not quite sure whether some persons may not think that the Government, having been deprived of half its numbers, has not increased its strength. I will not pronounce any opinion upon that subject. But at all events it is certain that whatever may have been the increase of strength to the Cabinet, their strength in Parliament has materially diminished; and instead of having a very strong Government to prosecute the war, we have now a very weak one. But further, we had a year ago a confiding Parliament and an enthusiastic people—we have now an inquiring House of Commons and a disappointed people. And, my Lords, are not the people justly disappointed? Were not hopes held out to them by none more than by some of the Ministers, many of which were no doubt exaggerated, but many of which might no doubt have been realised? What has been done in the war? Where are we now? We occupy, by means of our allies the Turks, Eupatoria; in conjunction with our allies the French we have occupied for the last six months twenty-five square miles of desert, in front of Sebastopol. From that position we can neither advance, nor retreat. Our officers and our soldiers have maintained their accustomed reputation—I say they have maintained it, because I will not, in derogation of the great soldiers who have preceded them, say that they have surpassed the achievements of former armies. It would be extremely difficult for them to do so. But, notwithstanding the reputation which has been undoubtedly obtained individually by both soldiers and officers, it is impossible for us to conceal from ourselves the fact that the reputation of this country as a military Power has been very seriously impaired. The last men in the country who believed in this reality of the war were, unfortunately, Her Majesty's Ministers, and, in consequence, due preparation was not made to meet it. Their eyes were at last opened, and with the best possible intentions, but knowing little or nothing of that which they were called upon to perform, they did everything too late and nothing well. My Lords, I apprehend that every one will admit that, in order to perform great services to the State, an army should be numerically equal to the work imposed on it—that it should be well organised—that it should be well officered, well equipped, and well commanded. But there is another thing even yet more essential to the success of military operations—and that is, that that army should be well placed. No matter how strong, no matter how well equipped, no matter how well commanded it may be, if an army be thrown into a false position, it is impossible it can obtain adequate success for the country. Now, the condition—the insuperable condition—of our expedition sent to Sebastopol was, that it should be sent without an adequate force of cavalry and without any means of moving. From the inadequacy of the cavalry the victory of Alma could not be followed up; and from the total absence of the means of movement, when the force of Prince Menchikoff was divided by the march of Lord Raglan on Balaklava, in was impossible to take advantage of that separation, and the Russian armies were again united. But a still more fatal consequence has been entailed by that want of carriage—that is that it has had a most destructive influence on the health of the army; and thus that army of ours—victorious as it has been wherever it was engaged with the enemy—within seven miles of the sea—and, therefore, I may say within seven miles of all the resources of England—yet that army has been exposed to an amount of distress unknown since the retreat of the French from Russia, and this distress has been almost equally destructive of our force. Now, I cannot be surprised that those difficulties should have been encountered; for what has been the attempt made by Her Majesty's Government? They have attempted, from a desire to do everything economically and to do everything as delicately and considerately as possible—they have attempted to carry on the war, as regards the militia, without a ballot or any substitute of a coercive character—they have attempted to carry on the war, as regards the navy, without bounty and without impressment—they have endeavoured to carry on the war without a reserve at home, and to carry on a campaign without animals. The Duke of Wellington, with just pride, declared, at the end of the Peninsular war, that with the army which he then possessed he could go anywhere and do anything. The army we have now can go nowhere and can do nothing—it can do nothing but defend its life in the position in which it is placed. But what is the effect of your system in the navy—and this was so properly brought under the consideration of your Lordships last night by my noble and gallant Friend near me (the Earl of Hardwicke)? What is the effect on the navy of the determination to carry on the war with no other resources in view than such as can be obtained by those ordinary means which are now resorted to, without either impressment or bounty? My Lords, I rejoice, with the noble Earl, to observe that the number of seamen and marines voted last year is now complete; and I think that in the course of the present year, by the ordinary method of engaging seamen, in conformity with the calculations which I formed eight or nine years ago when I was for a short time connected with the navy,—and which the experience of the past year bears out—I think that in the course of the present year the number of men now voted will be obtained, and that in all probability in successive years a force of about 6,000 or 7,000 men will, without any difficulty, and without departing from the ordinary mode of proceeding, be gradually added to our naval strength. But that amount of force which we shall have at the conclusion of the present year does not exceed one half of the force which we obtained during the last war; and I must say, whatever may be the expectations of those who are now sending out a magnificent fleet to the Baltic—I must say (and I think it right to say it, because I feel convinced upon the subject) that that fleet is not of sufficient strength. I understand that twenty sail of the line, all screw-ships, are to be employed in that service, with a proportionate number of smaller vessels. Now, if we had any just reason to expect that that force would be increased, as our force in the Baltic was increased last year, by six or seven sail of the line belonging to our ally the Emperor of the French, I should think that that force would be sufficient, provided we could rely upon that assistance at an early period of the campaign, and provided it could be continued to us throughout the operations. But it must be recollected that even last year two or three months elapsed before the French ships joined us, and that they left the Baltic six weeks or two months before our vessels; and looking to the great demands at the present moment for transport in the French navy and the French service generally, I certainly do not anticipate that more than one vessel of the line of his Imperial Majesty will join the British fleet in the Baltic during the present season. Of this, at least, I am quite certain, that to us it is of such vital importance to maintain a supremacy in the Baltic, that we ought not to run the smallest risk in that quarter, and that we ought to have a force of our own on which we could entirely depend under all circumstances. Now, a force of twenty sail of the line, with accompanying small vessels, is no doubt a very powerful force, and might do very great things against the enemy. But your Lordships must recollect that the force of the enemy consists of thirty sail of the line, and that we have every reason to suppose that many screw-vessels have been added to it during the last autumn and winter. And however I may rely on the strength of British ships, or the gallantry of the seamen by whom those ships will be manned, and the ability of the officers by whom they are commanded, I do not think that we should be justified in fighting any doubtful battle, or any battle in which we might not reasonably expect a decisive victory. I do not think it would be safe to trust the great interests we have at stake to a fleet of the extent only of that which we are sending to the Baltic. In my opinion—and I know it is the opinion of many naval officers capable of forming a correct judgment—our fleet should consist, not of twenty, but of twenty-five sail of the line; and I must say, that, in addition to that, I think it is absolutely necessary that there should be a reserve of at least five sail of the line at Portsmouth, and five more at Plymouth. I am unwilling to allude more particularly to circumstances which are now in my mind; but you may depend upon it, that if you desire to carry on this war undisturbed by any diversion, or any description whatever of apprehension or anxiety, you should be strong everywhere, and make it clear that it is not safe to incur your hostility. The reason why I now specially press this matter on the attention of Her Majesty's Government and of the House is that we have no reserve at home. At the very end of the last war we had 60,000 regulars and 60,000 militiamen in this country. What is our force now? We have nothing behind that fleet in the Baltic. If by the accidents of war, or the yet greater accidents of the weather—and let it be remembered that during our last service in the Baltic the fleet was for a very considerable period in a fog in the most imminent danger—in a danger which might have been fatal to one-half of the vessels—if by any of those accidents our fleets should sustain any serious loss, we have, I am sorry to say, at present nothing in England which could give sufficient protection to our shores. But observe the effect of our military institutions on the actual strength of our army. Can any one who looks at its present strength—who looks at our militia, at the progress of enlistment, at the progress of all our military institutions—can any one reasonably expect that in the course of this year, or of several following years, it will be in the power of this country to maintain in the field an army of a larger effective force than 30,000 men? But if we can do no more than that—and I do not believe that we can with our present military institutions—we shall be able to do just twice as much as the little State of Sardinia. I think these are matters for very serious reflection on the part of Parliament and of Her Majesty's Ministers; and the more so because it is impossible for me to disconnect the consideration of our actual military and naval position from the consideration of those negotiations which are now in progress at Vienna, and of which we shall soon learn the result. Consider, my Lords, what was the cause of this war. The cause of it was the occupation of the Principalities by the armies of Russia. That led Turkey to declare war; and we very properly came forward to protect Turkey against the consequences of the irruption of the Russians, who were so much superior in force. But the Principalities were evacuated; they were evacuated in consequence of the treaty between Austria and Turkey. There can be no doubt that at the present moment we should be able to obtain all the securities which could be obtained by treaty against the reöccupation of the Principalities, the occupation of which was the cause of the war. There appeared to be little doubt that we should be able to obtain at the present moment all the securities which could be obtained by treaty for the free navigation of the Danube. We could, in like manner, obtain all the securities which a treaty could give for the protection of the Greek subjects of the Porte without any offensive intervention of Russia as their sole protectress. Not only, I apprehend, could we obtain these things now, but we might have obtained them at a much earlier period. But what did we do? We sent an army to Varna, to "give the hand to Austria"—these were the expressions of my noble Friend at the head of the late Government. But as soon as Austria was preparing to rest on that hand we withdrew it, and we sent our troops, for views of our own, to Sebastopol. Could any reasonable man have doubted what the consequence of that measure would be—namely, that Austria, alarmed for her position, would act with extreme caution, and even with timidity? She was in a position of positive danger on the Pruth, where she was left alone when the army on whose presence she depended had gone from Varna to Sebastopol. But, besides that, by sending that army to Sebastopol, you added a new element of difficulty to all the future negotiations for peace. You introduced the question of military honour, which is infinitely more difficult to deal with than any question of policy; and, if I mistake not, the main practical difficulty which now presents itself, is one of military honour. We went further; we said, "We must have some security against the preponderance of Russia in the Black Sea." That is altogether a new demand; it is not a demand arising out of the first circumstances of the war. And in what manner do we propose to carry it into effect? The Government sent an expedition to Sebastopol as ancillary to the attainment of that object, and for the purpose, as I apprehend, of gaining some vantage ground from which you could insist upon Russia consenting to stipulations on this point. I trust that Her Majesty's Government have not demanded from Russia any concessions which might be represented by the Emperor to his people or to his army as inconsistent with their honour. My Lords, it is a most dangerous experiment to touch the honour of a military Power; and I do not think we are in a military position in front of Sebastopol which could justify us in asking the Russians to make any concessions. We are the besiegers, it is true; but we are also besieged; indeed, in some of the more recent operations, those who were originally besieged, appear rather to have the advantage. But if you could by any possibility obtain—what you now demand—any concessions or stipulations on the part of Russia, apparently tending to diminish her preponderance in the Black Sea, allow me to ask how the performance of such concessions and stipulations is to be enforced? Have the former stipulations for the freedom of the navigation of the Danube been fulfilled? Notoriously they have not. How can you then possibly in any manner compel Russia, without entering upon a new war, to perform any stipulations into which she might enter for the practical purpose of diminishing her preponderance in the Black Sea? I think, my Lords, that any attempt to do this must be perfectly vain and futile; and I must say, that whatever our opinions may be with respect to the war, I should deeply lament that any reasonable expectation of making peace should be taken from us by the proposal on our part of terms which, even if agreed to, must practically prove abortive, and could be productive of no real benefit to us or to the rest of Europe. But since the whole attention of Her Majesty's Government, and of a large portion of Europe, appears to be directed to this single question of Sebastopol, do let us endeavour, if we can, to look at the reality of the thing, and see what its real value amounts to. Now, in a time of war, such as the war in which we are at present engaged, we know its value exactly. We have a superior naval force in the Black Sea; we are blockading Sebastopol; we are thus depriving Russia altogether of that naval preponderance which she would otherwise derive from her possession of Sebastopol. No doubt, under peculiar circumstances of weather, the whole or a portion of the fleet at Sebastopol might sally forth, as it did at Sinope, and strike against its enemies a serious blow; but it could do nothing whatever which would exercise any material effect on the results of the war. It could strike, at an enormous risk to itself, a blow, which might be productive of some embarrassment; but, practically, the fleet in Sebastopol and Sebastopol itself are nullified by our naval preponderance in the Black Sea during the present war. Let us suppose that we took Sebastopol, destroyed it, and then left it. In a very few years it would become again exactly the same as it is now. We could not by any possibility impose on a great Power like Russia the terms which the Romans imposed on the Carthaginians, and prevent their return to it. She would never consent to submit to such humiliation; and if she did, such terms would never be fulfilled. Therefore, to take and destroy Sebastopol would only give us during the war an advantage of a temporary character, of which we can exactly measure the value, because it is the value of the ships which we now employ in blockading that port. Suppose, however, that you not merely take it, but tried to keep it. That would certainly be a very different object. But observe how far that would carry us. Remember that you cannot retain Sebastopol alone—you must go a good deal further. It would be impossible for you always to maintain 100,000 men in the Crimea for the purpose of preventing the Russians from re-occupying Sebastopol to the detriment of the Turks. You must go further—you must endeavour to raise the nations in the neighbourhood of the Crimea to form a barrier against Russia. It may seem an absurdity, but, in point of fact, you must attempt to reconstruct the kingdom of Mithridates. Such a scheme is manifestly impracticable, and must be treated accordingly. Well, then, what is the real danger from Sebastopol under these circumstances? I will assume that such a treaty could be formed, under the guarantee of all the Great Powers of Europe, as might effectually protect the Danubian Principalities from being reoccupied by Russia; but there would still remain a danger to Turkey from Sebastopol—a danger which no diminution of the Russian fleet by five or ten vessels, in compliance with the stipulations of a treaty, even if those stipulations were maintained, could prevent—the danger that Russia, embarking some 40,000 or 50,000 men, not in men of war only, but in the mercantile navy collected at Odessa and the other ports of the Black Sea, which, under the convoy of her ships of war, might move down upon Bourgaz or the mouth of the Bosphorus, and emperil, even at the commencement of a war, the very existence of Turkey. At the commencement of a war the danger would no doubt be then very great, and the terror of Turkey, even in time of peace, would be very considerable, knowing, as she must do, that she might at any hour become the object of an attack that might be fatal to her. It is against that danger that you are to guard; and though you may diminish the Russian fleet, yet while you leave Odessa and her commercial fleet unmolested you do not guard against such a contingency. Depend upon it, there is but one mode of guarding against it. You cannot nullify to Russia the value of her position; but you can profit by the position of your own ally in the Bosphorus and at Constantinople; and your only security is in creating another Sebastopol in the Bosphorus, and in giving to Turkey an army with which she might, behind strong fortifications, fight her own battles, and defend herself until Europe could come to the rescue. My Lords, I have thought it right—deeply impressed as I am with the truth of what I have been stating—I have thought it right to take this, the last opportunity before the recess, of making this statement, and of expressing my most earnest hope that no demand may have been made on Russia inconsistent with the honour of the Russian army and of her people—that no demand may have been made of her which, even if agreed to, it would be difficult or impossible to enforce, and which, even if enforced, would, under the actual circumstances of the case, truly considered and weighed, not yield us the security that is required.

EARL GRANVILLE: My Lords, I do not mean to reply at any length to the remarks of the noble Earl. I will observe, in the first place, that the noble Earl, in making the remarks which he has thought it necessary to offer upon the policy of the war, has said that the adjournment for a fortnight, which is now proposed, is too long. Now, I can only say that the noble Earl opposite (the Earl of Derby), under whom a very short time ago the noble Earl was ready to act, has expressed to me his entire approval of the period selected for the present adjournment. Moreover, making every allowance for the ability and eloquence always displayed by the noble Earl in addressing your Lordships, and giving credit to the noble Earl for having frequently made useful suggestions to the Government and this House, yet, balancing the advantages and disadvantages arising to the public service from the speeches he has delivered in the course of this year, I cannot believe that that service would suffer much, though the noble Earl should not have the opportunity of addressing the House for another month instead of another fortnight, though your Lordships would no doubt, in that case, be longer deprived of many a great intellectual pleasure. The noble Earl alluded at some length to the state of our foreign relations. Now, my Lords, if there could be one fortnight during which more than any other it would be most objectionable to drag the Government into a debate on foreign affairs, it would be the fortnight now ensuing; and I cannot help thinking that those of your Lordships who have listened to the noble Earl's address must have felt that any Member of the Government would display an egregious want of a due sense of public duty if he were to follow him into the discussions he has raised at this particular juncture. To two points, however, in the noble Earl's speech, I must refer. In the first place, the noble Earl says that we sent an army to Sebastopol to promote our own particular objects. Now, my Lords, I am unable to explain the meaning of that phrase, but I do most confidently deny that in any one single step which we have taken during this war we have been actuated by any desire to serve any object in which this country may be supposed to have any undivided interest. The noble Earl also referred to the deficiency in our naval preparations with regard to the Baltic, and he gave an account very much differing from that which we have received from the French Government as to the assistance which they would be able to give us in that quarter. I do not wish to make any prophecy in opposition to the prophecy in which the noble Earl has indulged as to the number of ships which will be despatched by our Allies; but when the noble Earl declares that our own force is insufficient, I must say, with great deference to the noble Earl's superior information, that I do believe that such is not the case. The advanced squadron, formed entirely of steamers to the number of ten, has already sailed; and looking to the force which is now ready to sail under Admiral Dundas —seven ships of the line, eight frigates, eight gunboats, all either paddle steamers or screws—and looking, moreover, to the number of vessels of various descriptions which can be added in a very short time indeed—I believe that not less than 104 pendants would be ready for prosecuting the Baltic expedition at a moment's warning—I do maintain that, be the armament of Russia what it may—be it thirty ships of the line, even with the addition of some screws—it would be entirely undervaluing our own forces to say that they are insufficient for the campaign. I am unable to go into details with regard to the army; but I entirely deny that we have lost our military *prestige* in Europe to that degree which the noble Earl has attempted to make out. It is a gross exaggeration to say that our disasters in the Crimea are exactly parallel to those with which the army of Napoleon was visited in the expedition to Moscow. No doubt there have been disasters, there have been great losses and great sufferings; but when the noble Earl himself acknowledges that our officers and our men have shown themselves equal, if not superior, to those who have in past times upheld the glory and the honour of England upon the battle field—and when the losses, great as they are, will be very shortly made up, if they are not made up at the present moment—when we remember, moreover, that after having effected the most extraordinary landing which has ever taken place, and fought three battles, each one of which has shown the almost invincibility of our troops, we hold at this moment an impregnable position in the enemy's country—I do say it is conveying an unjust and unfair notion of our strength to the people of this country, and to our friends and allies abroad, to use such language as that which has just fallen from the noble Earl. It is notorious to us all that our army is increasing every day in health and in numbers, and, what is quite as important, that it is in the highest possible spirits; and I do believe, notwithstanding what has fallen from the noble Earl, that it is now equal to any service which it may immediately be called on to perform. The noble Earl alluded to the weakness of the Government, and he expressed his regret that the country, instead of having a strong, was unfortunate enough to possess a weak Government. No one can regret more than I do that we have lost some of those eminent men whose co-operation the colleagues of the noble Earl not long since—when they were endeavouring to form a Government—were so anxious to obtain; but, although those distinguished individuals have seceded from the Government, we have not lost all courage on that account, and we feel convinced, relying on the honesty of our intentions, that we shall be supported by the country in the measures we may feel called upon to take. What has lately occurred in the House of Commons—the divisions which have lately taken place there —clearly demonstrate that that House is not disinclined to give to Her Majesty's Ministers a fair support. Looking, too, at the elections which have lately been held— looking to the fact, that in every instance where a Member of the Government has had to appeal to his constituents, he has either been returned without opposition or by an overwhelming majority—and, looking to the change which has recently taken place in the feelings of the inhabitants of one of the chief commercial towns of the kingdom—I mean Liverpool—these, coupled with the facts to which I have just referred, are, I think, sufficient to prove that the people at large are desirous that the House of Commons should continue to give their support to Her Majesty's Ministers in their endeavours to bring the present contest to a safe and honourable conclusion. If we continue to obtain that Report, I think, without going into details, that I can assure the House on the part of my colleagues that, while on the one hand they will show no want of moderation, they will upon the other do everything which lies in their power to maintain the interests, the honour, and the military reputation of this country.

The Earl of MALMESBURY: My Lords, had it not been for some very strong observations which have fallen from the noble Earl who has just sat down in reference to the speech of the noble Earl who commenced this discussion, I should certainly not have intruded myself upon your Lordships' attention on this occasion. The President of the Council evidently wished by his observations strongly to impress upon your Lordships that the noble Earl near me (the Earl of Ellenborough) great as is his eloquence, and great as is his experience in military matters, has taken an undue and unseasonable opportunity of laying his views before your Lordships, and that, agreeable as it may have been to your Lordships to listen to his speech, yet, on the whole, he has taken a course likely to be detrimental to the public service. I entirely disagree with the noble Earl in that opinion, and I think your Lordships must think with me, when you remember the different occasions on which the noble Earl has given his advice to this House and to the Government with reference to the conduct of the war in which we are involved—advice which, unhappily, was not attended to by Her Majesty's Ministers, and which, if it had been acted upon, would, I have no doubt, have been productive of the most beneficial results. Two prominent cases occur to me at this moment, though, no doubt, were I to ransack my memory, I could cite many more. The first instance was, when the late Government and half the present advisers of Her Majesty appeared to be convinced that war was impossible. Acting on that real or assumed impression, the Government, with a wanton liberality which has never been explained, proceeded to reduce the taxation of the country, commencing with the soap duty which brought into the Exchequer 1,200,000*l.* The noble Earl above on that occasion warned the Government most solemnly of the inexpediency of what they were about, and entreated them to pause in the course they were pursuing. The Government, however, appeared to think they were wiser than the noble Earl; characterised his sentiments as detrimental to the public service, reduced the tax in question—and, I must certainly say, that I cannot congratulate them upon the result. The second occasion on which the noble Earl gave his advice to Her Majesty's Ministers was, when the noble Earl warned them that they had not calculated sufficiently upon the necessity of having an enormous number of animals for the land transport service in carrying on a foreign campaign. The Government neglected that advice also, and almost all the misfortunes of the army may be traced to the defects of that land transport service and the total disregard of the Government of the points in relation to it to which the noble Earl had called their attention. So much for the observations which fell from the noble Earl the President of the Council—observations which I regret to have heard the more because they imply that the Government still continue to undervalue the advice of the noble Earl, the disregard of which upon a former occasion has in no small degree contributed to those disasters which have caused us all so much pain. The Lord President complains that he cannot understand the noble Earl's meaning when he said that we had gone to the Crimea, for our own objects; but to me it appears to be perfectly clear. What I understood the noble Earl to mean was this—that England and France and Austria were not of the same mind upon that subject; in fact, that, as was stated in one of the despatches which have appeared in the public press upon the question, Austria had declared that she washed her hands entirely of that invasion, that she disapproved it altogether, and that, therefore, when we went to the Crimea it was our own policy which took us there, and not the policy of Austria. The Lord President objects to the comparison which was made by my noble Friend between the disasters which have occurred to our army and those which were endured by the French troops in their retreat from Moscow in the year 1812. Now, I can hardly conceive the existence between any two positions of an analogy more complete.

Both armies invaded the same country with all its formidable powers of passive resistance and its climate, which upon foreigners acts so injuriously. The French army appeared before Moscow, ours is stationed in front of Sebastopol. The Russians are resisting its attacks with the same courage and determination, with the same national pride, as they resisted the onward march of the French army in the year 1812; and who came to their assistance? not their own army—not a foreign ally. In that year their climate came to the assistance of the Russian forces, and now again we have lost a large number of our soldiers through its agency. I do not mean to say that the climate has been the main cause of the disasters which we have so much to deplore; it has only been the immediate cause. Behind lie the mismanagement and the want of foresight of Her Majesty's Government in not providing against the calamities which unhappily have occurred. The analogy between the present campaign and that of 1812 still remains in full force. You have attacked the same power that Napoleon then attacked, with inadequate resources, and the result has been that half your army has been sacrificed. The analogy between the two events is, in my opinion, complete. The noble Earl appears to think that the present is a most inopportune moment for any Peer to rise in this House to give expression to his sentiments with reference to the occurrences which have taken place, or which may take place, in connection with the momentous subject of the war. But, my Lords, if we are to be tongue-tied upon that great question, as well as with regard to the negotiations now in progress at Vienna, I should wish to know what can be the use of our attending in this deliberative Assembly? The Government have declared that this is not the time, nor this the Session, during the present difficult war, for proceeding with domestic legislation; which, indeed, appears to be completely in abeyance. We have, therefore, every subject of Parliamentary discussion withdrawn from us by the fiat of the Government, because they tell us that on domestic policy we must be silent and quiet, and that on foreign policy it is indecent for us to utter an opinion. Hence, for an independent Peer of Parliament there is no topic on which he can venture to give a free expression to his opinions. That, however, is a position which I think noble Lords upon this side of the House will scarcely be contented to occupy. I, for one, cannot suppose that it would be detrimental to the public service that we should offer our advice to the Government, and should draw their attention to the various important topics which in the course of a contest like that in which we are involved must arise—such as have been submitted this evening to your Lordships' consideration. Indeed, so far from making any apology for my noble Friend for drawing the attention of the House to this subject, seeing how anxious we all are at this moment for the honour of the country, and how completely the eyes of the nation are set on what is passing at Vienna and in the Crimea, I think we should be dolts, and unworthy of our position in this House, if, without at the same time any desire to embarrass the Government, we did not express our sentiments on these great subjects. I intreat the Government to believe that in what I may speak with regard to the conduct of the war, or with respect to pending negotiations, I am not influenced by an atom of party feeling; for no man is more anxious than myself—and every word I utter in this House will support my statement—to see, whoever may be Minister, the honour of the country maintained, and our commercial and naval power in the Mediterranean effectually secured for a great number of years to come. I regard the present as the most important period that has occurred in the history of this country since the year 1815, when the great Congress at Vienna met to resettle the territorial arrangements of Europe, and I hope the Government will pardon me if I ask them to be a little more circumspect now—and I use the word in its literal sense—than were our statesmen in those days, great as they were. Far be it from me to speak with the slightest disrespect of those eminent men who have departed from the scene leaving immortal names behind them; but I cannot but think they committed glaring faults—faults which were, in their case, the natural result of the position in which they were placed, but which the generation that has succeeded them, beholding them by the light of experience, cannot fail to condemn. At that time, it is evident that the great statesmen of Europe did not look around them. Their backs were turned to the East, and their faces to the West. They had one point of view only, and that was France; and they conceived that no other danger existed so long as they were secure against the invasions of that Power. The consequence was, that the security of Turkey and the preponderance of Russia in the Black Sea were not attended to, and the difficulties we now experience result from that neglect. From 1815 to this time Russia, step by step, has encroached on Turkey, as is evidenced by the treaties of Akerman and Adrianople, and others equally fatal. At the time to which I have referred, so great was the dread of France—which alone appeared to be considered a dangerous Power—that the most extraordinary treaties were made to prevent any attempt at aggrandisement by that State. It is scarcely credible to the present generation that at that time we actually bound ourselves to prevent by force the French people from ever again being ruled over by the dynasty a member of which at present exercises the chief power in France. It is also almost incredible that a treaty was actually made, and remained in force up to 1852, excluding the Bonaparte family from the throne of France, and that we were bound by force of arms to maintain their exclusion. This shows the short-sightedness of all the eminent politicians of that day, and how necessary it is —not to take moral guarantees against a repetition of wars and invasions—but, as the noble Earl near me says, to obtain material guarantees which may prevent the recurrence of such events. Seeing the noble Lord the Foreign Secretary now in his place, I take the opportunity of stating that I have great confidence in his carrying on the negotiations in the spirit of the declaration he made in this House on the 19th of June last, when he said that it could not be permitted that one great Power should be constantly disturbing the peace of Europe; that the preponderance of Russia ought to be curtailed; and that the present moment was most favourable for attaining those results necessary for the perpetuation of peace, and for the security of that part of Europe, the independence of which had been so often attacked. I trust that the noble Earl will carry out the spirit of those words in the negotiations now going on, and I have not the slightest wish to embarrass him by any question whatever; but I must reassert the privilege which the noble Lord President seemed rather to deny, and which every individual Member has a right to exercise during the present or any other war, of giving his opinion and advice. [Earl GRANVILLE was here understood to explain that his remark in reference to this point ought not to be taken as general in its application.] I certainly think, then, that if advice and observations proceeding from the noble Earl (the Earl of Ellenborough), who possesses so much eloquence and so much knowledge of the subject, were to be considered objectionable, the inference must be that scarcely any other noble Lord can be trusted to express his sentiments on the same matters during the war or the negotiations. But I think the noble Lord President would not be supported in such a notion by his colleagues. There can be no inconvenience or danger in the remarks of the noble Earl who began this debate, and I trust that I have equally avoided saying anything that could produce inconvenience. I can only repeat my earnest hope that the noble Foreign Secretary will, throughout these negotiations, if they continue, and, if they fail, then throughout the war, carry out the spirit of the declaration which he made amid the cheers of your Lordships assembled in this House.

THE DUKE OF ARGYLL said, that the noble Earl who had just sat sat down appeared to have changed his opinion in reference to the speeches of the noble Earl; for he (the Duke of Argyll) recollected that during last Session, the noble Earl (the Earl of Malmesbury) made some observations which were excessively snubbed by the noble Earl (the Earl of Ellenborough), and the noble Earl who last spoke then observed that no man was less entitled to give a rebuke, as no man made so many impertinent speeches as the noble Earl (the Earl of Ellenborough).

THE EARL OF MALMESBURY said, he did not make use of the word "impertinent," and he did not think the noble Duke's observations in good taste at the present moment. At all events, if they were in good taste, they were not correct. What he did say on the occasion alluded to was, that he thought the noble Earl (the Earl of Ellenborough) had hardly treated him fairly in calling him to order for asking a question on a subject relating to the war, inasmuch as the noble Earl himself had made frequent speeches on the same subject. He never said that the noble Earl's speeches were impertinent or useless to the country.

THE EARL OF ELLENBOROUH assured their Lordships that what had passed on the occasion alluded to had entirely left his recollection, but he did not think that a matter of that kind occurring accidentally in debate, having no bearing on any matter of public importance, should afterwards be reintroduced into their discussions.

THE DUKE OF ARGYLL said, he had made the remark which had fallen from him merely in a spirit of good-humoured reply to some observations of the noble Earl (the Earl of Malmesbury), and without the intention of giving any offence; but the noble Earl mistook the ground of the objection urged to the observations of the noble Earl (the Earl of Ellenborough). It was not because they referred to current events, but it was on account of the peculiar character of those observations. He (the Duke of Argyll) was ignorant of the specific object for which those observations were made. It was true that one specific suggestion had been made, and that was that the Turks should fortify the Bosphorus; but the first observation was a complaint that a Government that had been strong was now weak. Now, the noble Earl (the Earl of Ellenborough) at the beginning of the Session said, that nothing could be worse than the Government as it then existed for the prosecution of the war, and he described it only as being something above the level of mediocrity. Perhaps the noble Earl would prefer a Government below mediocrity, with only one or two of its heads above that level. The noble Earl had referred to the position of our army, and said that it ought always to be placed in a position in which it would be able to do its work. That observation involved the whole question of the policy of our invading the Crimea. Now, he submitted to their Lordships that it was impossible to discuss the policy of that measure in a few pithy oratorical sentences. But the noble Earl went on to say—and he confessed he saw no use in the observation, even if it were true, though he did not believe that it was true—that our army at Sebastopol was in such a position that it could go nowhere and could do nothing. He could see no practical benefit in such observations, which, coming from an authority on military matters like the noble Earl, would go forth to Europe and have a certain amount of influence that could only be prejudicial to the interests which the noble Earl professed to serve. The noble Earl must be perfectly aware that, although it was undoubtedly and unfortunately true that that army had suffered from the want of the means of transport, under circumstances which were more or less susceptible of explanation, yet a plan had been sketched out by his noble Friend, the Minister of War, for providing that army with ample means of transport in future. Those means would be speedily adopted, and there was every reason to believe that there would soon be an army in the Crimea that would be able to go somewhere and be capable of doing something. He confessed he agreed with his noble Friend (Earl Granville) in attaching much more serious importance to those observations which fell from the noble Earl, as regarded the policy of the expedition to the Crimea, when the noble Earl described that policy as having been dictated by selfish interests on the part of England.

THE EARL OF ELLENBOROUGH: What I said was, that our object in sending out that expedition was one in common with that of France, but that it was not in common with Austria. While making that remark, I more especially had in mind what fell from the Foreign Minister when he made an explanation on the subject on a former occasion.

THE DUKE OF ARGYLL denied most emphatically that the expedition to the Crimea was a matter of no consequence to Austria. His belief was that in the negotiations now pending the interests of all the allied Powers were inseparably bound together; and that it was impossible to maintain the integrity of the Turkish empire, to secure the free navigation of the Danube, and release the two Danubian provinces, which was essential to the independence and integrity of Turkey, without insisting upon the third point, namely, the putting an end to the preponderance of Russia in the Black Sea. That, no doubt, was a matter open to argument; but it could not be laid down by the noble Earl, even upon his high authority, as a *dictum*, that upon that point England and France had a separate policy from the policy of the rest of Europe, and more especially of Austria and Prussia. He confessed he was not able to understand the general drift of the speech of the noble Earl tonight, when he compared it with other speeches made by the noble Earl on the same subject. He remembered the noble Earl saying last year—and he was not sure the noble Earl had not repeated it this year—that this was emphatically "a statesman's war." He (the Duke of Argyll) did not quite understand what the noble Earl meant by that expression. If the noble Earl meant that it was a war which was not sympathised in by the enthusiastic feelings of the people, then he certainly was wrong. But if the noble Earl meant that it was a war waged for great objects, which only great statesmen were able to appreciate, then he should like to know what those great objects were? The noble Earl had condemned the expedition to Sebastopol, and seemed much inclined to believe that, when the immediate and primary cause of the war was removed by the evacuation of the Principalities, the Western Powers ought to have been satisfied. If that was the noble Earl's definition of a "statesman's war," he could only say that he could not concur with him. How could the great objects of the war be accomplished if Russia was to remain in undisturbed possession of the Black Sea? If the noble Earl thought that any result short of that ought to satisfy the view of a statesman, he (the Duke of Argyll) could not agree with him. And how could the noble Earl now advocate the abandonment of the Crimea, when he had heard the noble Earl on previous occasions argue that this war was one in which our Indian empire was threatened, and for the defence of that empire he in part sketched a plan for the invasion of Central Asia, of Georgia, and of Persia, having for its object great territorial changes, altogether with a view to the especial interests of this kingdom and the preservation of its power in India. He must confess, therefore, when he bore in mind these various speeches of the noble Earl he could not quite reconcile their general drift with the drift of the speech which he had made that night. It really appeared to him that the present speech of the noble Earl, as well as former speeches which he had delivered on the same subject, had been made for the sake of making a speech without any very specific object, and certainly without presenting to the Government or the House any very new or statesmanlike suggestion, either as to the mode of carrying on the war or as to the objects for which that war ought to be carried on.

LORD COLCHESTER said, that the noble Duke had not correctly represented what had fallen from the noble Earl (the Earl of Ellenborough) on a former occasion. It was not for the purpose of protecting our Indian empire, but to harass Russia that the noble Earl advocated our seeking the aid of Persia and other Asiatic States. What the noble Earl did say was, that if we did intend to carry on the war successfully we must not revolutionise States, but must enlist in our behalf the sympathies of existing States, such as Persia and other Asiatic nations. With regard to the objection that had been raised to discussing the negotiations while they were yet pending, of what use could it be to comment upon them after they were closed, when it would be too late to make alterations?

THE DUKE OF ARGYLL explained that what he said was, that the noble Earl (the Earl of Ellenborough) expressed himself the other night in favour of enlarging the circle of the war towards the East, whereas, to-night, he complained of the late Government enlarging the circle of the war towards the East by the expedition to the Crimea.

LORD ABINGER said, that if there was any want of confidence on the part of the public, it was owing to the want of publicity as to the reasons on which the measures had been taken. The Government had never yet made a statement of the military reasons upon which the expedition to the Crimea had been undertaken. He believed the noble Duke (the Duke of Newcastle) during the time he held the office of Minister of War was greatly in want of military counsel, and he could assure their Lordships it was the general feeling of the public that the Government proceeded without due military advice in the prosecution of military projects. It merely happened that the noble Earl (the Earl of Ellenborough) had expressed better than any one else what every one felt, when he intimated doubts of the importance of Sebastopol to the main object of the war, the defence of the Sultan—and there were many persons in England who concurred with him in thinking that, even if we possessed the Crimea, it would not give a stronger military position than fortified lines on the Bosphorous. He very much feared military advice was not sought by the Government. They were about to send a large force of cavalry to the Crimea, consisting of raw troops and young horses; whereas, if the Government condescended to consult military authorities, they would find such troops would not aid in the prosecution of the war, and that no general could rely upon them. The difficulty in which they were placed had been brought on by not having a proper basis of operations. The only basis was the harbour of

Balaklava, and, consequently, they had failed to support the troops. They might succeed in the endeavour to take Sebastopol, but they could only succeed by sending large reinforcements, and by making efforts almost superhuman, equalling the efforts which were being made by the Russians.

The Earl of ELLENBOROUGH: I do not like to trouble your Lordships on a matter so entirely personal as the supposed discrepancy between one speech and another; but, as the noble Duke seems to attach so much importance to it, I must call the attention of the noble Earl the President of the Council to the fact that I always objected to the expedition to Sebastopol. I always felt so strongly on that subject that when I heard it talked of, being in the country after the cessation of Parliamentary duties, I wrote two papers containing my opinion, elaborately worked out, against that expedition to Sebastopol, and forwarded them to the Government. But that expedition having been undertaken, I said, in a speech to which the noble Duke has referred, some weeks ago, that the course which the Government was pursuing was not the course which would lead to success; that the expedition could not succeed if it was allowed to proceed against the whole military strength of Russia at that one point to which Russia could bring her troops by land with every means of movement, to be met by troops which could only be sent by sea, with deficient means of transport and deficient means of conveying cavalry. What I said was, that to make the expedition successful, the operations should be pressed against Russia on both flanks, both on the Pruth and in Asia. There is no discrepancy in that. I always objected to the expedition to Sebastopol; but since it had been undertaken, I took the liberty of suggesting, in the manner here stated—the only manner in which I thought it probable it would obtain success.

House adjourned accordingly to *Monday* next.

HOUSE OF COMMONS,

Friday, March 30, 1855.

Minutes.] New Member Sworn.—For Liverpool, Joseph Christopher Ewart, esq.

New Writs.—For Kilmarnock District of Burghs, *v.* Hon. Edward Pleydell Bouverie, Vice President of the Board of Trade; for Lewes, *v.* Hon. Henry Bouverie William Brand, Commissioner of the Treasury; for Cork County, *v.* Edmund Burke Roche, esq., Chiltern Hundreds.

THE ORDNANCE AND THE ARMY.

Mr. HEYWOOD rose to ask the Clerk of the Ordnance whether any public notice had been given of a recent examination for cadetships at Woolwich, and whether, on the non-appearance of candidates, a number of commissions in the artillery had been given without any special examination in scientific subjects?

Mr. MONSELL said, that, in order to meet the augmentation of artillery and engineer corps, it had been found necessary to have a number of young men older than the cadets in the public school at Woolwich generally were. For this purpose the Lieutenant General of the Ordnance had first the idea of having the same examination as for cadets rising from a junior to a senior class; but it was found that at the age of between seventeen and nineteen there were not to be found at the Universities a sufficient number of young men whose attainments in mathematics equalled those of the senior class at Woolwich; consequently he had been driven to adopt another expedient, which was to communicate with the heads of the different public schools and colleges all over the country. By this means he had selected thirty young men, who had given the greatest possible satisfaction to the Lieutenant General and the Examiners, who, indeed, had stated that they were about the best lot that had ever come under their inspection. For the future the ordinary course of examination would, so far as was practicable, be resorted to; but he could not promise that if a similar emergency arose a similar expedient might not be resorted to.

NEW COURTS OF LAW.

Mr. MULLINGS asked the Chief Commissioner of Public Works and Buildings whether, having regard to the number of Judges both of law and equity, so greatly increased within the last thirty years, and that during that period no permanent courts had been provided for the additional Judges appointed, and to the want of proper accommodation for them, it was the intention of the Government to take any and what measures, and when, for providing proper buildings and accommodation for superior courts of justice in the metropolis?

Sir WILLIAM MOLESWORTH said, several schemes had been brought under his consideration for the purpose of removing the law courts from Westminster Hall and building new courts elsewhere; but to execute any of these schemes a very large sum of money, amounting to nearly a 1,000,000*l.* sterling, would be required. He should have much pleasure in executing such a work if funds were provided; but at present there were no funds applicable to the purpose, and at present it was not the intention of Government to ask Parliament to provide them. He had heard that some increased accommodation was required for the Vice Chancellors, but no application had been made to him by the legal authorities; nor had he received any directions from the Treasury to provide such increased accommodation.

COLONIAL EPISCOPAL APPOINTMENTS.

Mr. DUNLOP asked the First Lord of the Treasury, whether—considering that by the Clergy Reserves Act, recently passed by the Legislature of Canada, and assented to by the Governor General in name of Her Majesty, it is declared in the preamble to certain of its enactments, that "it is desirable to remove all semblance of connection between Church and State,"—it was the intention of the Government to cease to maintain that connection in Canada, by no longer advising Her Majesty to nominate to vacant bishoprics in that Colony?

Sir GEORGE GREY said, no episcopal vacancy had occurred in Canada since the Act passed, and he was not aware of any decision of the Government as to any alteration of the practice which had hitherto prevailed in respect to appointments to such vacancies.

SCOTCH STATISTICS.

Lord ELCHO asked if the Government were disposed to continue the grant for the promotion of Scotch agricultural statistics?

Mr. WILSON said, the measures hitherto taken had proved so successful as to encourage their continuance, and the co-operation of the Scotch farmers had been very useful. Out of 50,000 applications for information which had been sent out by the Highland Society only seventy had been unanswered—a striking contrast to the result of similar applications in this country. He hoped the example of the enlightened agriculturists of Scotland would have its due effect; and it was so creditable that the Government intended certainly to prosecute the measure, for which purpose they had certain funds in

hand, for, of the 6,000*l.* voted last year 1,800*l.* remained, and the grant would probably not have to be repeated.

THE WAR—ARRANGEMENTS FOR THE SICK.

Mr. G. DUNDAS said, that he desired to preface the question of which he had given notice by reading an extract from a letter received yesterday from a relative at Constantinople, for whose accuracy he could vouch. [Cries of "Order."] The subject was of extreme importance, and he would not occupy the time of the House for more than a minute. The extract was to this effect—

> "We left Balaklava a few days ago, with 330 sick on board. While we had the sick on board a steamer came in, with carcases of mutton and vegetables, and lay alongside of us. The medical officer requested I would apply for fresh provisions for the sick. Will you believe it? I had to go through so many forms that it was twenty-four hours before I could get them from the vessel actually touching our side, and, the weather having been unusually sultry from sirocco blowing, most of the meat was not fit for use. A second application took as much longer time, for another supply; and by the time the application was in proper order the meat had been landed and buried."

This statement sufficiently showed the importance of the inquiry he now addressed to the hon. Gentleman the Under Secretary at War, namely, if directions had been sent by the Government to the proper authorities in the Crimea and at Scutari to relax the system of check and countercheck, and facilitate the obtaining from the purveyors, Commissariat, and storekeepers, the provisions and necessaries which the sick required?

Mr. FREDERICK PEEL said, of course he had no knowledge of the particular case referred to; but he had no doubt it was the fact that the forms which had been established in times of peace, for the purpose of placing a check on the expenditure of the public money, had been multiplied to an extent which now interfered with the more essential object of securing the prompt supply of what was required. Instructions had, however, been issued by the Government that in matters such as the hon. Member referred to, all unnecessary forms should be dispensed with.

Mr. SIDNEY HERBERT said, that he had sent out such instructions more than a year ago, particularly as regarded the hospitals at Scutari and Constantinople.

MEDICAL SERVICE IN THE CRIMEA.

MR. BENNET inquired of the right hon. the Member for Wiltshire, whether Mr. George Pollock, assistant surgeon at St. George's Hospital, did not offer his gratuitous services to the army in the Crimea, and, if so, why his offer was not accepted? and he would put a similar question with regard to Dr. Hugh Macpherson, of the Bengal service.

MR. SIDNEY HERBERT stated that, so far as he could recollect, an offer of gratuitous service was made by Mr. George Pollock and also by Mr. Macpherson. But in the case of the latter gentleman, the offer was limited to serving for three months, and it was not thought advisable to accept the offers of service for so limited a time. At the time the offers were made the rule of the army service was, that civilians should be admitted to act in the rank of assistant surgeons. Subsequently that rule was altered, and civil surgeons were offered higher rank; and, finally, it had been determined not to confer military rank at all, but to convert the hospitals into civil hospitals. Mr. G. Pollock—very properly so, looking at his position in his profession—declined to act as assistant surgeon; but had he been willing to do so, he (Mr. S. Herbert) would certainly not have been willing to accept gratuitous service from any professional gentleman who would have had to work by the side of those who were receiving pay for the discharge of their duty.

COLONIAL DEPARTMENT.

On the Motion for the adjournment of the House till Monday April 14th.

SIR JOHN PAKINGTON would take the opportunity of giving notice of a contingent Motion with regard to the extraordinary state of the Colonial Department. He would not repeat the arguments he had used on a previous occasion; but he would venture to say that every day which had elapsed since he had called the attention of the house to the subject had tended to prove the justice of what he had then said. Nothing could be more inconvenient, if not dangerous, than the present condition of the Colonial Department. The House had been told on a former occasion that, during the absence of the noble Lord the Member for London at Vienna, the right hon. Gentleman the Secretary for the Home Department (Sir George Grey) would discharge the duties of the Colonial Office; but they had since been informed that that right hon. Gentleman had found himself unequal to the discharge of the increased duties which had devolved upon him, and that latterly the duties of the Colonial Department had been performed by the noble Lord at the head of the Government. Now, although it was true that one Secretary of State might act for another Secretary of State, and so far, the discharge of the duties of the Colonial Office in the absence of the noble Lord, by the Home Secretary might not be irregular, still, he did not believe that any power existed on the part of the First Lord of the Treasury to act for a Secretary of state; so that any portion of the business of the Colonial Department which had been transacted by the noble Lord at the head of the Government had been transacted in an irregular manner; and he should say that in point of form that noble Lord had no power to sign any despatches or to put his name to any official documents connected with the Colonies in the stead of the Secretary of State. The real danger, however, was that it was impossible that such a state of things could be long protracted without a feeling being created in the Colonies that their interests were being neglected. A sufficient time had not elapsed since the commencement of the present extraordinary state of things to receive expressions of opinion from the Colonies with regard to it; but it could not be denied that, if protracted, it would create great dissatisfaction, and nothing could be more unwise on the part of any Government than to take any course which could justify a feeling on the part of the Colonies that their interests were being neglected. Having, on a previous occasion expressed his opinions with regard to the subject, he should, on the present occasion not repeat those opinions, but he begged to give notice that if, when Parliament reassembled, the noble Lord the Member for London had not returned to England, or if the management of the Colonial business was not in a more satisfactory state, he should take the first day he could obtain to submit a Motion to the House, having reference to the Colonial Office.

THE ARMY IN THE EAST—REINFORCEMENTS.

SIR DE LACY EVANS wished, as Parliament was about to adjourn for some time, to make some observations with regard to the momentous events which were occurring, or were likely to occur, at the seat of war. There was one point to which he wished to direct their particular attention, namely, to the reinforcement of the army in the East. The accounts which had lately been received from the army with regard to its health and the return of invalids from the different hospitals to its ranks were very satisfactory, and must be very gratifying to the country. The condition of the army with regard to clothing and provisions had also materially improved. But still there remained much to be done. It appeared that the enemy were by no means wanting in exertions to reinforce their army, and that fresh troops were continually pouring in—perhaps, in a greater proportion than those which this country were sending to the seat of war. He knew nothing as to what reinforcements might have been sent out, except what he had seen in the public papers—but during the last month he did not perceive that any considerable amount had been embarked. He had, however, been much pleased at hearing it stated by the noble Lord at the head of the Government that recruiting was going on favourably, and he hoped that the Government would omit no effort to carry it on. He believed that it was of more importance for the Government to direct their attention to recruiting a class of men physically competent for the work of the army, than to make any extreme efforts with regard to the militia, which, in the present war, was to his mind of secondary importance, inasmuch as the prospects of invasion were most remote:—in the former war the case was very different. He therefore hoped that the increase of the regular army was the great object to which the Government was directing its attention. He did not believe that the bounty now offered was adequate for the purpose, and in a momentous contest like the present—when by liberal efforts he believed that the contest might be terminated in a limited period—it would be false economy on the part of the Government to hesitate to increase the bounty if men did not recruit in sufficient numbers. There was another point to which he also wished to direct the attention of the House. They saw that a powerful armament was about to proceed to the Baltic; and as this fact had been stated in the public papers, as a non-official person, he might, without risk, refer to preparations which it was said were being made for a Baltic campaign. They all knew that a large fleet had been sent to the Baltic last year, where, from unavoidable circumstances, it had not done much. It was generally considered that the ships of which that fleet was composed were too large for utility; but those of the fleet which it was alleged was to go there during the present year were as large. Steamships were much wanted in the Baltic Sea, and indeed, from its narrow navigation, sailing ships were even dangerous, and the number of steamers there should be as large as the naval resources of the country could command. It was also alleged in the public prints that powerful batteries, of a light draught of water, were being constructed to accompany that fleet, and he could only suppose that they were intended for the capture of some fortress in that sea. In his opinion, however, if a fortress were attacked by these batteries, captured, and then abandoned, that proceeding would not materially affect the main objects of the war; whereas those batteries would be of great use in the Euxine, where the main struggle between the European Powers and Russia was going on. He did not pretend to ask for an explanation on the subject, because the Government would probably not think it consistent with their duty to give any information, but he must say that, according to his opinion, the concentration of attack upon one particular portion of the enemy's territory and upon one particular fortress was the principle which should be constantly adopted in war. In the last European war it was, unfortunately, not so adopted, and this was probably the reason why that war had been so prolonged. At that time we carried on operations in the Colonies and in the Mediterranean, and we sent a very powerful armament to Walcheren; while, if these forces had been poured in on one point, and placed at the disposal of the Duke of Wellington in the Peninsula, the Duke would have long before found his way over the Pyrenees. He hoped, therefore, that this system of making attacks upon various points, instead of concentrating our whole power, naval as well as military, upon those parts of the enemy's territory where the struggle was most vital, would not be persisted in. It was his earnest hope that every man and every horse and gun at the disposal of the Government would be sent to the seat of war with as little delay as possible. He was told there were several batteries now at Woolwich. He was not sure of this, and, indeed, should be surprised if the statement were true, because it would show, on the part of the Government, a laxity of management which he thought was highly reprehensible. These batteries, if really at Woolwich, ought to be sent out to the commander of our forces in the Crimea, where the enemy was very powerful in artillery, and possessed, probably, a greater armament than any army ever had to contend with in a siege. The authorities were very apt everywhere to keep a body of reserve in their own hands at home. He did not pretend to say that that was the case in this instance. But he remembered that at Constantinople, when the Turkish army was engaged in important operations on the Danube, he was informed by a Turkish general officer, that sixty pieces of artillery, with the horses to serve them, were retained at the capital as a kind of reserve; but as we were now engaged with an enemy who had a most powerful artillery, it should be considered whether these guns should not be sent to the army. There was, he repeated, a tendency everywhere to retain a reserve at home, which reserve would be much better employed in active service than left at some central depôt. The hon. Member for Berwick (Mr. Scott) last evening, in his observations upon the naval operations in the Black Sea, alluded to the impropriety of our not having destroyed or occupied Odessa, and appeared to think that if that place had been occupied matters would have been in a very different position. Now, the hon. Gentleman was perhaps not aware that to make effectually the diversion he spoke of would have required a small force amounting to 100,000 men. That force was not at the disposal of the Allies, and therefore this little complaint against Admiral Dundas had no foundation whatever. He (Sir De Lacy Evans) had probably seen as much of these maritime operations as any man in that House, and he could say, as an eye-witness of those in the Black Sea, that he had never in his life seen any better conducted, and he really thought they redounded to the honour and credit of the naval commanders.

VOTES FOR THE CONSTABULARY AND ASSISTANT BARRISTERS IN IRELAND.

MR. FRENCH, in rising to call the attention of the House to the sums annually voted for Public Service in Ireland towards the payment of the constabulary force and the salaries of the assistant barristers, said that, under ordinary circumstances, he should have waited until these votes came fairly before the House; but after the opinion expressed the other night by the noble Lord at the head of the Government—if opinion it could be called, prompted as the noble Lord had been by the Secretary to the Treasury—he should really like to know whether the Government adhered to the extraordinary statement which had proceeded from them? The noble Lord stated that Ireland received yearly for the payment of the constabulary, assistant barristers' salaries, and payments to Crown solicitors, 730,950*l.* It was—out police, 542,000*l.*; Crown solicitors, 16,000*l.*; assistant barristers, 32,000*l.*; total 590,000*l.* And England, for prosecutions, education in workhouses, and medical attendance, 362,000*l.* Surely this was scarcely a fair way of putting the case. Why should 100,696*l.*, voted for constabulary here, be omitted; or 100,000*l.*, for the purchase of curiosities from private collections? Why should the large sums voted for establishments in London—73,000*l.* for parks; the monies for the Chelsea embankments, bridges, &c.; the 1,300,000*l.* for palaces; the 1,250,000*l.* for harbours of refuge, be left unnoticed? But he should confine himself to the two items noticed by the noble Lord. It was correct that in 1846 the expense of the police force in Ireland was transferred from the counties to the consolidated fund. It was equally true that since that period, in this country, charges to the extent of 1,100,000*l.* had been similarly transferred from the locality to the consolidated fund, 12,000,000*l.* of taxes had been repealed in England, but in Ireland only 500,000*l.* had been removed; and while in England new taxes had been imposed to the amount of 254,000*l.* only, in Ireland the new taxation reached 730,000*l.* Why was the transfer in Ireland made by Sir Robert Peel? The transfer of the payment of the constabulary from the localities, was not a boon gratuitously or unduly given to Ireland; the change was avowedly made as a set-off for the withdrawal of those advantages which that country enjoyed under the corn laws; as a measure, the expense of which would be fully covered by a diminution to an equal extent in the Army Estimates, and as a means of rendering the constabulary force more effective for general service. What said the right hon. Baronet in 1846—

"Now in the case of Ireland, if there be any

> portion of the United Kingdom which is to suffer by the withdrawal of protection, I have always felt that that part of the United Kingdom is Ireland. Its capital and enterprise are almost exclusively directed to agriculture, and if, in the intended measures with regard to the burdens on land, there should appear at first sight to be any undue favour shown towards Ireland, let us bear in mind that Ireland has not the means which other parts of the United Kingdom have of employing labour in manufacturing pursuits: but, again, I propose no relief from burdens which are not accompanied with some great social advantages. At present you have a great police force in Ireland. The expense of a great portion of that force is borne by the land in Ireland, the expense of the remainder is borne by the public treasury. I believe it will be an immense advantage to place the police force directly under the control of the executive, to prevent the possibility of all interference by local bodies, to make it as perfect a system as you can, excluding all power of local nomination or local interference, taking the whole control on the executive government, and, in order that you make that control complete, paying the expenses out of the public treasury."

He (Mr. French) found it stated in the *Dublin Evening Post*, that this constabulary was a "complete military organisation," appointed, officered, and, of course, paid by the State. It was a force 12,000 strong, and its efficiency had enabled the Government to withdraw 14,000 or 15,000 regular troops from Ireland, which must have been paid by the national funds—and there had been a saving effected to the extent of 400,000*l.* a year. In 1846 there was voted for the expense of the army in Ireland, 1,200,000*l.*, in 1853 but 800,000*l.* —the difference being nearly equal to the entire cost of the constabulary. There was, therefore, no pretence for calling it a local force. When the Act was introduced these men were to be exempt from the duty of enforcing the revenue; but they now assisted in preparing statistical and agricultural returns, and in enforcing and supporting the excise laws. How, then, could this be considered an undue boon to Ireland? The vote for the assistant barristers of Ireland, the noble Lord also characterised as a local charge, and contrasted it with the system of the County Courts here, which he mentioned were no charge on the national funds, as the fees received in those courts were sufficient to discharge all expenses. Here again the noble Lord was wrong, as 13,000*l.* a year was annually voted in civil contingencies for payment of the registers of these courts. Now, in addition to the civil business transacted by those Judges, the greater portion of the criminal business was decided by them. It was deemed advisable that these assistant barristers should be no longer paid partly by salaries and partly by fees, and a large deputation of Irish Members waited upon the right hon. Gentleman (Sir G. Grey) and stated their reasons why they thought it desirable that a change should be made. A system of payment arising out of stamps, civil ejectment bills, was then resorted to, the result of which was that 40,000*l.* was collected, and 32,000*l.* of that sum only disbursed. Now, in the one case the State was repaid by fees, and in the other by stamps. In the case of England they did not prove a full equivalent; in that of Ireland there was a balance in favour of the State. He (Mr. French) did not ask for Ireland any exemption from taxation. The fact was that that country was unfairly taxed on the one hand, and misrepresented on the other. It had been the practice to insinuate that Ireland did not bear her fair share of the general or local taxation of the country. He would not trouble the House with any opinion of his own on that subject, but appeal to the opinion of one whose scientific acquirements, and whose calm judgment in matters of the kind, must bring weight to whatever might fall from him. Lord Rosse, on the 18th of May, 1849, showed in his "protest" that "the gross income of England was 250,000,000*l.*; ditto of Ireland, 20,000,000*l.* Revenue, 52,000,000*l.*—Proportion of England, 47,000,000*l.*; ditto of Ireland, 4,160,000*l.* Ireland paid upwards of 5,000,000*l.*, and since then the income tax to the amount of 500,000*l.* had been added to her taxation. With regard to local taxation, it was shown that Great Britain pays 12,000,000*l.* on property rated at 105,000,000*l.*; Ireland pays 3,270,853*l.* on property rated at 9,898,566*l.*, being a rate for local taxation of 6*s.* 8*d.* in the pound, whilst the local rate of England is but 2*s.* 3½*d.* From returns before the House in 1851, it was found that the poor-rate in England was 5,000,000*l.*, county rate, 800,000*l.*, highway rate, 1,000,000*l.*; total, 6,800,000*l.*, being on the valuation of 68,000,000*l.*, or an average of 2*s.* in the pound. Ireland pays county cess, 1,100,000*l.*, poor-rate, 1,200,000*l.*; total, 2,300,000*l.*, being on the highest valuation, that of 11,500,000*l.*, an average of 4*s.* in the pound, double that of England." The flippancy and want of knowledge of the noble Lord then stood corrected by the gravity and information of his colleague the Chancellor of the Exchequer at that time. If the noble Lord had consulted the present Chancellor of the Exchequer, instead of the Secretary of the Treasury (Mr. Wilson), he would not have fallen into the error he had pointed out. Sir C. Lewis, in a pamphlet from his pen, made these remarks on the subject of local taxation:—

> "Supposing the nett annual value of property in Ireland to remain stationary, the future local taxation of the country, apart from municipal taxes, parish cesses, port dues, and light dues, may be estimated at 3*s*. 6*d*. in the pound; that of England being on the average, 2*s*. in the pound."

These words, on the average, implied a much greater financial strain upon the local resources of a part of Ireland than appeared upon the face of the preceding statement. There were considerable tracts in Connaught and Munster, where the poundage of 3*s*. 6*d*., estimated as the average for Ireland must be multiplied by two or three to satisfy the demands for county cess and poor-rate. But the country had the opinions of Lord Lansdowne, Lord Sydenham, and Mr. Goulburn, that Ireland was called on for too large a contribution. Had the case been mended by the budget of the right hon. Member for Oxford University? He had remitted 5,394,000*l*. to England, and 628,000*l*. to Ireland; but he had added to Ireland, in the shape of income tax and spirit duty, 700,000*l*. But not only had Ireland suffered in the allocation of public money, but, from the distribution of patronage, seventeen out of eighteen of the chief places in Dublin were given to Englishmen or Scotchmen, to the exclusion of Irishmen. He called upon the noble Lord, then, either to admit that he had spoken hastily and without adequate information on the subject, or by his own arguments, and not by the promptings of the Secretary to the Treasury, maintain what he had before advanced.

SIR GEORGE GREY said, he was not aware that it was the intention of the hon. Member for Roscommon to introduce the question of the relative taxation of England and Ireland on the Motion for the adjournment of the House. [Mr. FRENCH: I placed a notice to that effect upon the paper.] He did not think that the practice adopted by hon. Gentlemen of bringing before the House every variety of subjects on a Motion for adjournment was a very convenient one; and the course which had been taken that night fully illustrated the inconvenience of the practice, for he was not at all prepared to answer the statements of the hon. Gentleman. With regard to the observations of the hon. and gallant Member for Westminster, he (Sir De Lacy Evans) had himself admitted that he was sensible of the inconvenience of discussing future military operations in that House, and said that he expected no answer to the statement he had made. He (Sir G. Grey) would merely observe that the Government were fully alive to the importance of the duty which devolved upon them of sending sufficient reinforcements to our army in the Crimea. The Government had not neglected that duty; and if there had been lately a cessation of the arrival of small detachments of British troops in the East, the result would be the simultaneous arrival of a large and efficient force in the course of a short time. He (Sir G. Grey) rose chiefly to notice the misapprehension under which the right hon. Baronet the Member for Droitwich appeared to be with regard to the Colonial Department, to which he had adverted that night. That right hon. Gentleman had spoken of the neglect of the business of that department; but in what instances he conceived such neglect had taken place he did not state; he (Sir G. Grey), therefore, could not give any specific answer to the allegations of the right hon. Gentleman. But the right hon. Gentleman had complained of an illegality, or irregularity, which, he said, had been committed by the noble Lord at the head of the Government in having taken part in the business of the Colonial Department, and seemed to infer that the noble Lord had signed despatches to Governors of the Colonies. It was perfectly true, as had been stated by the right hon. Gentleman, that despatches from the Colonial Department —instructions, for instance, to Governors, in answer to despatches received from them—must be signed by a Secretary of State acting under the authority of the Sovereign; and that was the course which was now pursued; his noble Friend at the head of the Government had not signed any instructions which had been sent to Governors of the Colonies. These instructions had been signed by himself (Sir G. Grey), as one of the Secretaries of State. But there were many questions of great importance which he (Sir G. Grey) had felt that he could not satisfactorily dispose of himself whilst he had the charge of another department.

He, therefore, communicated with the noble Lord at the head of the Government upon the subject, and he (Viscount Palmerston) said that he was perfectly willing to give his assistance in conducting the business of the office during the temporary absence of his noble Friend the Secretary of the Colonial Department (Lord John Russell). He (Sir G. Grey) was relieved by that arrangement from much of the labour and responsibility which would otherwise have devolved upon him; but he signed all these despatches to the Colonial Governors which a Secretary of State ought to sign. So far from this arrangement as to the conduct of the business of the Colonial Department, being an irregularity, he had always thought that it was not only competent to, but incumbent upon, the First Lord of the Treasury, who was responsible for the acts of the Government, to make himself acquainted with the business conducted by the different departments of the Government. He (Sir G. Grey) felt greatly indebted to his noble Friend for the relief thus afforded him. He believed that, with the assistance of his noble Friend at the head of the Government, all the pressing colonial business had been disposed of during the last four weeks. As he had said on a previous occasion, he did not think that the present arrangement could be sanctioned for any length of time; but he hoped that the absence of his noble Friend the Colonial Secretary would be of short duration; and if so, the Motion of which the right hon. Gentleman had given notice, would be unnecessary. He regretted that the right hon. Gentleman had given the weight of his name to an assertion that the business of the Colonial Department had been neglected during the absence of his noble Friend. Such a statement was calculated to create needless and unfounded dissatisfaction in the Colonies.

THE CIVIL SERVICE ESTIMATES.

Mr. W. WILLIAMS rose to complain of the manner in which these estimates, involving an expenditure of 2,750,000*l.*, had been disposed of on Monday night. The Motion was one of the most important of the Session; and without any notice being given as to the intention of bringing it on, it was, as he might say, surreptitiously got through the House at nearly one o'clock in the morning. The grievance was not particularly his, as other Gentlemen, including the hon. Baronet opposite (Sir H. Willoughby), had desired to enter into a discussion on the Vote. He hoped sincerely that there would be no repetition of such unworthy haste, as the consequences might be serious to Government.

Lord SEYMOUR agreed with the hon. Gentleman so far that he thought it was most desirable that the House should have the opportunity of discussing these estimates, and when they were brought on at a late hour they could not have an opportunity of considering the form in which they were arranged and of discussing them. It was little use to have items brought forward unless they were in a form which would enable them to discuss them under their several heads, and, when necessary, to ask for explanations concerning them. But when it was said that the Government were in fault, and that they had passed the vote surreptitiously, he must take their part, and say that they had no alternative in this case. On every night for bringing forward the estimates, so many motions were made before going into Committee, that it was impossible to get into Committee of Supply at a reasonable hour to discuss these questions. It was most desirable that hon. Gentlemen should bring forward general questions on notice of motion, and that when Supply came on they should merely bring forward those motions that had relation to Supply, and were properly applicable to the votes to be brought forward.

Sir HENRY WILLOUGHBY was afraid the noble Lord the Member for Totness (Lord Seymour) had hit upon rather an unlucky way of getting the Government out of their difficulty, because, on Monday night, when this motion came on, the House was already in Committee of Supply; so that there was no possibility of any motions being brought on in the mode pointed out. And besides that, the Government had already disposed of two very important motions on that evening—the one relating to the Sardinian loan, the other to the newspaper stamp—which had occupied the House until half an hour after midnight. Now, he would point out the disadvantage of the course pursued. He had himself an objection to urge against these estimates, founded upon an increase which had taken place in the inland revenue branch of them of 200,000*l.* Well, the hon. Gentleman, the Secretary to the Treasury, had stated, in explanation, that that increase had arisen from the increased poundage. But would the hon. Gentleman adhere to that statement? Let the House observe, the whole of that increase amounted to 211,000*l.*, of which 111,000*l.* was put down for increased poundage. And then there came 36,000*l.* for salaries of officers, 25,000*l.* for buildings, 15,000*l.* for augmented office accommodation, and 12,000*l.* for miscellaneous expenses. Well, he would now ask, were all these items that could be classed under the head of "increased poundage?" He must say, therefore, this very discrepancy between the explanation of the Secretary to the Treasury and the recorded facts fully demonstrated the necessity for discussion relative to these estimates.

Mr. WILSON said, he was glad of the opportunity of explaining the course that had been pursued by the Government and also complaining of the course that had been adopted towards them. Those estimates had been on the table for three weeks; on every night there was notice of Supply, and—more than that—there was the usual notice of moving particular estimates: and on three successive nights he had consented to postpone them. On Friday last he thought to get those estimates on, but on that night first of all there was a motion on the question of the adjournment of the House, which occupied nearly two hours. Then there was a Motion on going into Committee of Supply, which occupied the House until twelve o'clock, and it was obviously inconsistent with the convenience of the House that they should bring on the Votes after that hour. The next night was Monday; on Monday, also, there was notice of Supply, and likewise notice that those estimates would be taken on that night; but the discussion on the newspaper stamp occupied the House until nearly twelve o'clock. It was, however, absolutely necessary that the Votes should be brought on on Monday night, though of course it was quite competent for any hon. Gentleman to get up and object to the proposition for going into Supply on that occasion. If such an objection had been made, it would have been his (Mr. Wilson's) duty to explain that it was absolutely necessary for the public service that they should then go into Committee, because if they had postponed the Committee to the period he was addressing them, they could not report until after Easter, and consequently not a shilling of the salaries could have been paid until the House met after the recess. It was necessary, therefore, if they stopped until five o'clock in the morning that that Supply should have been then taken. If hon. Members chose to let those estimates pass without observation it was not his duty to object to it—quite true that it was of little use hearing those estimates if they were not discussed—but in point of fact it was a matter of disappointment to him that they had not been discussed, for that was the object Government had in bringing them before the House. The practice of hon. Members giving notices of motion on going into Supply had the effect of enabling private Members to discuss some private measure of their own, and deprive the whole of the House of the opportunity of discussing those estimates though the discussion of them formed a most important duty of the House of Commons. Instead of there being ground of complaint against the Government, he (Mr. Wilson) thought he had good reason to retort on those who made it, and to complain that hon. Members superseded the business of Government by bringing forward their motions on going into Supply. In reply to the observation of the hon. Baronet (Sir H. Willoughby) he begged to state, that in explaining the increase referred to by him, he had said it principally arose from the increase of poundage; and undoubtedly it did principally arise from increased poundage. The hon. Baronet knew that the collectors of the assessed taxes and of the income tax were paid by poundage, and just in proportion as those taxes increased must the expense of collection increase.

Colonel DUNNE said, that it was entirely the fault of the hon. Gentleman that the votes had not been discussed, he having brought them forward after twelve o'clock, and when he (Colonel Dunne) moved to postpone the vote on the Irish Post Office the hon. Member had divided the House against him. He considered that the hon. Gentleman had treated the House with great discourtesy upon that occasion.

ADMINISTRATION OF THE POOR LAW (IRELAND)—REDUCTION OF OFFICERS.

Mr. BLAND rose to call the attention of the House to the circumstances and manner under which the reduction of officers acting under the Statutes for the administration of the Irish Poor Law had taken place and was now being carried out. He should not have attempted to detain the House upon this subject, at such a time, had it not been a subject which had occasioned considerable excitement in Ireland; for the reduction and the manner of it had been neither economical nor beneficial, and had moreover had a religious complexion given to it which was likely to produce very mischievous results in a country situated like Ireland, when it was recollected that the great bulk of the recipients of relief under the Irish Poor Law were Roman Catholics; and he was anxious as a Protestant to acquit himself of the suspicion of persecution. The House would remember, that in June last, on consideration of the Estimates, in consequence of representations from several Irish Members, the then Irish Secretary (Sir John Young) had given a pledge as to certain possible reductions in the Irish poor law establishment; and it was to the manner in which those reductions had been effected that he begged to call attention. Now the facts he had to lay before the House were these. Out of seven Roman Catholic administrative officers formerly existing under the Irish poor law establishment, five of them were about to be reduced; whereas of the eleven officers that remained, independently of the *ex officio* heads of the department, who were both Protestants, nine were Protestants. The present staff of the Board consisted of one Chief Commissioner, two Commissioners, a secretary, and assistant secretary, and sixteen inspectors. There were also medical inspectors and auditors, but none of these had anything to do with the administration of the law. Well, out of these, instead of a proposal to reduce one of the three Commissioners, it was proposed to reduce the secretary, Mr. Stanley, who had held that office almost since the formation of the board, and who had been in the public service for forty years. It was likewise resolved to dismiss the assistant secretary and five out of the sixteen inspectors. Now the reason why he said that this reduction bore a religious aspect was, that these officers thus dismissed were senior to those that were retained, and were able and efficient men; of the five inspectors to be dismissed, four were Roman Catholics, as was also the Secretary, making five Roman Catholic dismissals out of seven. He was prepared, therefore, to prove that the reduction had been made not according to the boasted principle of the hon. Baronet lately the Chief Secretary for Ireland, namely, that the juniors in office would have to go first, while no distinction whatever would be made as to the religious opinions of the different officers. Now, to show how far that engagement had been carried out, he would mention that the senior inspector of the Board, Mr. Otway, a Protestant, was retained, while the second and third, Mr. Burke and Mr. Phelan, both Roman Catholics, were removed. After them came Mr. Crawford, a Protestant, retained, and Mr. Barron, another Roman Catholic, dismissed; while the sixth on the list was Mr. George Huband, the only Protestant dismissed; and lastly came Mr. Lynch, another Roman Catholic, and who was dismissed. Thus had these reductions taken place without reference to the promises which had been made; and in fact exactly upon the contrary principle; so that the late Secretary for Ireland was ignorant of what had been done in the board, of which he was an *ex-officio* Commissioner. Under these circumstances, the people of Ireland considered that they had been unfairly treated, and that there was something more than met the eye. If there was one Board in Ireland more than another that required Roman Catholics in its administration, it was the Poor Law Board. They had not only to take care of the physical necessities of the poor relieved, but also of the religious requirements of the recipients, and, in some instances, the needs of the people of that country had been brought to bear on their religious persuasion, so as to make them suspicious of the relief held out to them; and, therefore, it would have been politic, if nothing more, for the Government to have avoided anything which countenanced that suspicion. Although himself a Protestant, he had felt it his duty to bring this matter before the House, because he wished nothing to be done that seemed like persecution, even on those opposed to him in belief.

Mr. BRADY never remembered during his short experience, a question coming before the House which had excited greater interest in Ireland than this. The people of Ireland looked upon the dismissal of these inspectors as a direct attack upon their religion, and believed, after what had occurred in reference to this matter, that the right hon. Baronet, lately the Chief Secretary for Ireland, would never again have been able to face a Roman Catholic or liberal constituency; he might well, therefore, congratulate himself on his happy release to the Ionian Isles. He hoped that the present right hon. Secretary was not prepared to follow the example of his predecessor as to his appointments, who, under the semblance of liberality, had made some of the most bigoted nominations ever known in Ireland. He deprecated the introduction of any religious or sectarian imputations into the arguments before the House, but he could not but feel that there had been, in the first instance, a disproportionate appointment of Catholics and Protestants to the office of poor law inspectors, and that this disproportion had been greatly aggravated by the recent dismissals. He might be permitted to point attention to the fact, that under the Medical Charities Act, which was administered by the Poor Law Board in Ireland, while the expense of maintaining the head office amounted to 7000*l.* a year, the average income of each medical man appointed under it did not exceed 40*l.* a year; while the total number of patients visited in 1854 was 3,346,042, giving 3485 to each medical officer, so that each of them would receive, on taking into consideration the number of patients attended to, one penny and half a farthing for each of them. And, in further illustration, he might state that one medical officer had travelled over 2500 miles for a remuneration of 20*l.*

MR. J. BALL said, that having had the amplest opportunity of forming a judgment upon such a point, he was quite sure that no sectarian feeling had influenced the conduct of Mr. Power, the head of the Irish Poor Law, in the reductions which had been made. His opinion was that the Government should have had in view the political aspect of the question, and should have taken advantage of the opportunity which had offered some time ago, and appointed a Roman Catholic to be one of the chief Commissioners, as it was of more importance that one of these should be of that persuasion than the inspectors, who were, after all, subordinate officers. He thought it was more important that one member of the Commission should be a Roman Catholic than any of the inspectors, because the people looked with great jealousy on the decision of that body upon which there was no member of that same religion as the people themselves.

MR. HORSMAN said, that he fully admitted the importance of the subject, and thought that when a department had been as much attacked as the Poor Law Department the Government were bound to come forward and to state their view of its conduct; and he was bound to say that in his opinion the Irish Poor Law Department had discharged its duties very efficiently. Hon. Members who had spoken upon this subject were under a misconception as to this reduction, which was not a voluntary act of the Commissioners. The circumstance of the reduction having been made in the persons of Roman Catholics was purely accidental. When the estimates for the Department were brought before the House, it had been determined that whatever reductions could be made without interfering with its efficiency should be made. It was then considered what persons of the establishment could be reduced. The whole number of the body was sixteen, being eight in the first, and eight in the second class. By reducing the first class it was found that a saving of 1,200*l.* a year would be effected in each of the inspectors; by making a reduction in the second class only 600*l.* a year would be saved. The Commissioners, consequently, determined that the reduction should be made in the first class of inspectors. Now it was a very different case when they had the original nomination of the board, for then they were compelled to select untried men. But in the present case they had experience to guide them; and the only thing the Commissioners had to consider was, who were the most efficient and useful men—everybody, however, admitted that all those of the first class were men who were eminent in their department and efficient in the public service. He regretted to see so many reduced from the first class, because it gave rise to this misconception; but what were the Commissioners to do? He thought they should do what they conscientiously considered best, without giving way to the fear of censure. They made the reduction which they felt it was most proper to make, and left it to public opinion and to Parliament to vindicate the course which they had taken. It was true that the reductions which had been as yet effected touched chiefly Roman Catholics; but there were other reductions to take place. Mr. Stanley, the secretary of the board, was to be reduced: the assistant auditor was to be reduced; as was also the architect. When all the reductions were carried out, there would be eleven reduced, of which six would be Protestants and five Roman Catholics. In respect to Mr. Stanley, he could state that no one member of the board was so sensitively alive to the way in which the establishment was overmanned and underworked as Mr. Stanley himself, and he at once concurred in the proposition of reducing himself. The opinion expressed by Mr.

Stanley was most honourable to him. That Gentleman had in the first instance refused an increase of salary; and when the question of retiring pension arose upon his reduction, he evinced the most admirable disinterestedness. He could hardly pronounce a sufficiently high eulogium upon Mr. Stanley for the conduct he has shown. He deeply regretted the loss of that Gentleman's services. He had looked carefully into all the circumstances of the case, and he could assure the House that the reductions should have unfortunately fallen upon the members of one religious creed was entirely accidental. No one had ever imputed to the Commissioners any sectarian feeling in the discharge of their duties; they had at all times been actuated by the most pure and proper motives. He could assure the House that the Government were most vigilant not to give occasion for complaint on the part of the people of Ireland in reference to religion. If any cause could be shown for inquiry in respect to the Government appointments or reductions, they would be most willing to assent to such inquiry, and were prepared to abide the result. He, however, thought that the manner in which the Poor Law Commissioners discharged their duty, in the face of great misconstruction and unpopularity, was deserving of the approval of the Government, and he was sure it would be approved of by Parliament.

THE CAMP AT ALDERSHOT.

Sir JOSEPH PAXTON, in rising to call the attention of the Government to the construction of the huts at Aldershot, said he was perfectly aware that the present was an inconvenient time to bring on a question of this description; but the suggestions he was about to make would be of very little use if reserved until after the Easter recess. At present only about 400 of these huts were completed, leaving 800 more to be constructed, and these, he thought, might be much improved, and a large sum of money saved. About double the quantity of boards that were necessary were put upon these huts; and the roofing was badly designed, because it was flat, and the water would certainly penetrate through. The boards were what were called feather-edged, and, consequently, as soon as the dry weather set in and the sun's power was felt, they would all start, and in two months, he would venture to say every hut now made would require another covering, besides the boards. He would suggest, therefore, that the roofing should be altered; indeed, if the Government had consulted any village sawyer, he would have shown them how to make a roof better adapted to keep out the wet. Another defective part of the hut was the provision for lighting and ventilation. The windows were placed in such a position that any man above 4 feet 6 inches high would be breathing an impure atmosphere. Now it would cost but a small sum, perhaps 15*s.* a hut, to place these windows at the top of the roof, and the windows of the 800 not yet made might be put in their proper places without costing the country a sixpence. He considered the double boarding and roof-boarding to be of no use. It was a great pity that when the Ordnance were about to erect so many as 1,200 huts they did not have a model perfect of its kind, and put it up as a specimen for the contractor. He ventured to say that had this course been adopted, they would have been made for about half the cost which would really be incurred. Before the huts designed by Mr. Brunel for use in the East were constructed, a model was erected in the Great Western station, and suggestions were received for its improvement; and if this had been done in the present case, the huts would have been far more efficient in their construction, and a large sum of money might have been saved; and, considering the large quantities of timber to be used in them, he thought sufficient time had not been given to the contractors to send in their estimates, for they had been allowed only three days. When first these huts were commenced, no foundations were put in until an hon. Gentleman opposite went down to Aldershot, and brought the matter before the House. At present the foundations were being constructed in a most expensive manner; they were making them as solidly as if they were going to build a house, although a little concrete and a few bricks would have answered every purpose. If continued in this style, the huts would not be finished for two or three months. But he would suggest that the Government should not construct so many huts. He thought it would be much better that 5,000 out of the 20,000 soldiers who were to be encamped at Aldershot should be lodged in tents, where they would be much more likely to learn the real business of campaigning, the pitching of tents, and moving from place to place, than if domiciled in these semi-barracks.

Colonel KNOX thought it was due to

Sir Frederic Smith, the engineer officer who had the arrangement of the camp at Aldershot, to state to the House that he had received a letter from that officer, which, he thought, contained a fair and reasonable explanation regarding a statement he had made in that House. Sir Frederic said that they had been limited for time in the work made under his directions at Aldershot, and during the intense frost which prevailed in the latter end of February and the beginning of March they were compelled to proceed with the work as they could. In such weather, it was scarcely necessary to say, that they could neither use concrete nor brick-work for the foundations; but the huts raised since had all been placed on concrete and brick foundations, and those that were built before the weather permitted of foundations being made would be properly secured as the season advanced. The hon. Gentleman had stated that the ventilation of the huts was faulty, but he thought it had escaped the observation of the hon. Gentleman that there were two shaft ventilators in each building, which would be ample for the purpose of ventilation. The huts were perhaps hardly so large as they ought to be, but that was a matter of detail into which he would not enter. With regard to the roofing, he agreed with the hon. Gentleman that it was not made in the best possible manner, and that a covering of felt would be a great improvement. A false ceiling would, he thought, be very beneficial to the troops, as it would render the huts warm in the winter, and would keep off the heat of the sun in summer. The other arrangements of the camp appeared to be well conducted.

MR. MONSELL said, the hon. Baronet (Sir J. Paxton) was a formidable critic on a subject with which he was so well acquainted as that upon which he had just addressed the House, and he (Mr. Monsell) laboured under the difficulty of not having been aware before the hon. Gentleman rose of the character of the observations he intended to make, and of the fault he was about to find with the encampment at Aldershot. The hon. Gentleman, at the close of his observations, advised the Government not to proceed with the erection of so large a number of huts, but rather to place a certain number of the troops about to be encamped at Aldershot in tents. Unfortunately, however, it would be necessary to keep the troops at Aldershot, not only during the summer but during the winter months, in consequence of the deficiency in barrack accommodation; and it was, therefore, absolutely necessary to construct huts in which to lodge them. The Surveyor to the Ordnance, who had that day visited Aldershot, gave a most satisfactory account of the progress of the buildings, and stated that they were in a most satisfactory condition, and highly creditable to the contractors. Some time ago it had been decided to cover the roofs of the huts with asphalted felt, and, therefore, any difficulty entertained by the hon. and gallant Gentleman opposite (Colonel Knox) in that respect would be removed.

MR. JOHN MACGREGOR said, it was most unsatisfactory that the House should now be called upon to adjourn for a period of seventeen days, looking to the extremely critical state of affairs, to the anxious expectations as to the Vienna Conferences and their uncertain issue, to the growing agitation and discontent of the public mind, and to the high price of food in the principal towns. They were left in the most complete ignorance and mystery as to the intentions of the Government with respect to the mode in which they intended to levy taxes to provide for their reckless and extravagant expenditure. It appeared to him that the House was giving way to the most self-complimenting Government that had ever sat upon the Ministerial benches. The Government could do nothing but compliment each other on what each had done, and no doubt that, in their own opinions, they all stood very high. Now, on the contrary, the whole country and Europe believed that they had done everything very ill, and history would comment upon their acts with the utmost severity. He contended that the House should not adjourn until they had the Budget before them, and until the country knew how it was to be taxed. There was only one newspaper in the metropolis that had the courage to support the Government. Let the House consider how our fifty colonies were treated. Representations were pouring in daily from all quarters, but there was no Colonial Minister to attend to them. Again he protested against the adjournment of the House.

SIR JOHN SHELLEY said, that before the Motion for the adjournment was agreed to, he wished to draw the attention of the Home Secretary to the case of a man upon whom an inquest was held, on the 14th instant, at Charing Cross Hospital, and whose death had been attributed to police neglect. The deceased, whose name was Thomas Gooch, was stated, in the evidence given before the coroner (Mr. Bedford), to have left his home on a Saturday night, telling his wife that he should return presently; but nothing more was heard of him until the following evening, when she learnt that he was in the hospital at Charing Cross. It appeared that in the interval, at half-past seven on the Sunday morning, he was found lying in the street by a policeman of the C division, who took him to the Vine Street station, where a wound was discovered on the back of his head. It was stated that no medical assistance was called in, and that he was left in a cell without bedding, covering, food, or attention, for eleven hours; at the expiration of that time a medical officer saw him, when he found him in such a state that he ordered him to be immediately taken to the Charing Cross Hospital. The man was accordingly placed upon a stretcher and conveyed, through a heavy fall of snow, to the hospital, upon reaching which he was found to be dead. The body of the man was subsequently opened by the house surgeon, who stated that he found no food or spirits in the stomach, and that, in his opinion, the man had died from apoplexy, produced by concussion of the brain; and the jury, in returning their verdict, animadverted in strong terms upon the conduct of the police. He (Sir J. Shelley) had made an inspection of the cell at the station, and ascertained that if a man were apprehended at night, no matter what might be the circumstances, no difference was made as to the cell in which he was placed. There was nothing but a wooden bench to lie or sit upon, and no bedding or covering from the cold, or any warm clothing in which to wrap a person who was conveyed from the lock-up to the hospital. He trusted the right hon. Gentleman (Sir G. Grey) would turn his attention to the state of these lock-up cells, and see if something might not be done to provide some covering and shelter for persons who happened to be taken there in the situation of the deceased. In justice to the police themselves, as well as to the public, he thought it was desirable that further inquiry should be made into the case of this poor man, who, it appeared, had been left in the cell for eleven hours without food or proper care being taken of him.

Sir GEORGE GREY said, he would cause an inquiry to be made into the state of those cells, and he had no doubt that an inquiry had already been instituted into the particular case referred to by his hon. Friend; but as no notice of the question had been given him, he was not prepared to give any answer as to the details.

Mr. FREWEN wished to know if the Government had taken, or when they would take, any steps for the appointment of a new chairman of Ways and Means, as he understood the House had lost the services of Mr. Bouverie?

Mr. CRAUFURD said, he had observed in an evening print, which was supposed to be a semi-official organ of the Government, the statement that Mr. James Kenneth Howard had been appointed to succeed Mr. Kennedy at the Woods and Forests. He wished to know if the statement were correct?

Colonel BOLDERO believed the immediate question before the House was the housing of the troops. He recommended the adoption of a description of housing so constructed that the soldiers themselves could be taught to erect them, to take them down, and replace them in another position. He also recommended the Clerk of the Ordnance to provide the men with tools of every description that they were likely to require, and that they should be taught not only to make roads but to construct works and mines, make fascines and gabions, bake their own bread, and kill their own meat. When the troops were assembled in great numbers, there was an excellent opportunity of teaching them many things which were of the highest utility to an army in the field, but of which ninety-nine out of 100 of the troops who had been sent to the Crimea were perfectly ignorant.

Viscount PALMERSTON, in answer to the question of the hon. Member for Ayr, had to state that the appointment of Mr. Howard to the Woods and Forests was to take place, and that, according to Act of Parliament, the appointment would be communicated to Parliament within twenty days afterwards. The appointment of a new Chairman of Ways and Means would be moved when the House met after the Easter holidays.

Mr. CRAUFURD gave notice that, after the recess, he would call the attention of the House to the appointment of Mr. Howard.

Motion for the adjournment of the House *agreed to*.

WILLS AND ADMINISTRATIONS.

THE SOLICITOR GENERAL rose to move for leave to bring in a Bill to abolish the Jurisdiction of all the Ecclesiastical and Peculiar Courts in England and Wales respecting Wills and Administrations, to establish a distinct Court of Probate and Administration, and otherwise to amend the law in relation to matters testamentary. The hon. and learned Gentleman said, that in doing so, he was oppressed with the recollection of the many abortive attempts which had been made during the last thirty years to accomplish the object which he was new about to attempt to effect, and which he was sanguine enough to believe would now be attempted for the last time. The grievances to which he now hoped to put an end had been acknowledged, and had occupied the attention of successive Parliaments, for a period extending over that length of time. Such, however, had been the pertinacity with which every attempt to reform these courts had been resisted, and such had been the success of the efforts of the numerous persons interested in the maintenance of these testamentary courts, that he believed as many as ten or twelve successive Parliaments had been quite unable to accomplish a change, and that during that period about a dozen or fifteen Bills which had been introduced for the purpose of providing a remedy for the acknowledged abuses had failed. Something, perhaps, was to be attributed to the peculiar disposition of the people of England; for when any grievances complained of in their institutions were proposed to be reformed or amended, there was always very great difficulty in conquering the feeling which they entertained, and which particularly distinguished the people of this country—the feeling that the institutions under which they lived were the best possible for the purposes for which they were established, and that there was no necessity for altering them. That difficulty having been overcome—after the grievances had been pointed out and proved, and something in the way of remedy proposed—the people at once transferred their attention from the grievances to a criticism of the proposed remedy, and refused to entertain them unless they were satisfied that they were the best that could possibly be imagined; and accordingly every proposal which had been made to apply a remedy to the evil now complained of had been met by a great number of objections, and the Bills had been rejected. He was not so sanguine as to believe that his measure was not liable to a great number of objections; but he earnestly hoped that, as attention had been awakened to the absolute necessity of providing some measure calculated to put an end to the evils complained of, this measure would be accepted, although it might not exactly accord with the views of every individual who might entertain theoretical speculations of his own, and who might think that it was not the best adapted to provide a better system as a substitute for the present system of jurisdiction, which was acknowledged to be imperfect, and the grievances of which he would now attempt to describe. He would, however, under the circumstances in which the House was now placed, not attempt to detain them by enumerating the many evils which resulted from the jurisdiction of the present courts, and which imperatively demanded the interference of the Legislature, as that had been done on many former occasions; and the necessity for such interference had been acknowledged, as he had before observed, for a great period of time. But it would perhaps be well to look back for the purpose of ascertaining what had been done by the many Commissions which had been issued and the Committees that had been appointed, in order to ascertain what grievances had been acknowledged and exposed by the several inquiries into the subject. From the experience to be derived from these inquiries he now hoped to be able to devise for these evils other expedients, and to construct a measure which would include and comprehend within it, at all events, those things which the several Commissions and Committees had thought fit to recommend to the notice of the House.

It would be remembered that, in the year 1830 a Commission was issued to a great number of distinguished persons—eminent Judges, both of the courts of law, the courts of equity, and of the ecclesiastical courts, and with whom certain members of the right reverend bench and eminent statesmen were associated—in order to ascertain what remedies should be applied to the existing state of things regarding testamentary jurisdiction. The Commissioners made a report in the year 1832, and the result of their deliberations was, that they recommended the abolition of that numerous body of smaller ecclesiastical and peculiar jurisdictions which were spread over the whole face of the country; and that the whole of the testamentary jurisdiction should be consolidated into the two Prerogative Courts of Canterbury and York. But though they recommended the preservation of these two courts, yet they gave expression to a unanimous opinion that it would be still better if those two courts of Canterbury and York were united into one establishment, and made one metropolitan tribunal, as a court for disposing of the whole testamentary business of the country. Very shortly after this report was made—in the year 1833—the Real Property Commissioners made their fourth report to Parliament. In that report they recommended, in like manner, that all diocesan and peculiar jurisdictions should be absolutely abolished, and that one metropolitan court should, in like manner, be established for carrying on the business of those jurisdictions. These Commissioners differed, however, from the recommendation of the Ecclesiastical Commissioners in one particular, and the difference was well justified by a passage which was to be found in the report of the Commissioners themselves. In the report of the Ecclesiastical Commissioners it was stated that the jurisdiction of such a court had in it nothing of an ecclesiastical character, and they admitted that it was one of purely a civil nature; and, on this point, the Real Property Commissioners remarked, that it was a strange anomaly, and one which required to be put an end to without delay, that there should exist in this country courts of purely civil jurisdiction which they did not derive from the Crown, the fountain of justice, and which did not exercise their functions in the name of Her Majesty. The Real Property Commissioners recommended that the whole jurisdiction of these courts should be transferred to the Court of Chancery. Subsequently to that report, in the same year, a Select Committee was appointed by the House to consider the subject; and when they made their report, among many important and valuable suggestions, they stated that they concurred in the opinion expressed by the Ecclesiastical Commissioners, that the whole of the jurisdiction should be centred in one tribunal, which should be locally situate in London; but the Committee recommended that the tribunal to be erected should not belong to the Prerogative Court of Canterbury, and that it should be extended to include the whole testamentary business of the kingdom. Subsequent to that period, a Committee of the House of Lords was appointed, and they also arrived at the conclusion that there should be but one testamentary court, and they recommended an entire abolition of all the minor jurisdictions in the kingdom, and that all the jurisdictions, whether ordinary or contentious, should be centred in one tribunal in the metropolis. The result, then, of the whole examination of the subject and the authorities collected by all these numerous Committees, composed of men of great ability, political sagacity, and legal experience, was, that there should be but one single tribunal, and that established in the metropolis, for the purpose of disposing of all the testamentary business of the country, both ordinary and contentious, and that that tribunal should be a civil tribunal—that there was nothing either in the history or the origin of these courts, the nature of their jurisdiction, or the mode of its exercise, which could lead them to recommend that such jurisdiction should continue to be vested in an ecclesiastical tribunal. This he had endeavoured to accomplish as the first object of the Bill he was about to describe. But, besides the reports of the Committees and Commissioners to which he had referred, he must now call the attention of the House to another. It would be in the recollection of the House that, after the several reports mentioned had been presented, a report was made by the Chancery Commissioners at the end of 1837, and a second report of the Chancery Commission appointed in 1850 was made in 1852, in which their attention was expressly directed to testamentary jurisdiction. Those Commissioners were not entirely unanimous on the nature of the court to be established. Some of the Commissioners recommended that the present jurisdiction should be transferred to one central metropolitan tribunal, but that it should be a distinct court, with limited authority. In this respect the report of the Commissioners was not very harmonious with itself, for while they recommended a court with a limited authority and a prescribed course of action, they said it was expedient that that court should be armed with the fullest powers appertaining to a court of final construction and universal administration. They recommended that the court should be so constituted as to be able to entertain all the subjects belonging to an ordinary court of probate, and all those incidental to a court of equity. A Bill was brought in during the last Session of Parliament, which, to a certain extent, was founded on the recommendations of this Commission. The Bill proposed to transfer the testamentary jurisdiction of the present courts to the Court of Chancery, in conformity with the opinions expressed by some of the Commissioners, and in conformity to the opinion of the Real Property Commissioners of 1833. To that Bill, which was very little understood out of doors, great objections were raised, which he had recently seen repeated. It was said to be the intention to throw the whole of the business, including the proof of the wills and the grant of letters of administration, into the general mass of business of the Court of Chancery. Now, nothing of the kind was intended; but he confessed that the Bill was so expressed as actually to lead to that impression. The result, therefore, was, that from these and other causes that Bill could not be proceeded with; and, warned by the nature of the objections raised last year, he had now endeavoured in his Bill to avoid all those difficulties, and to render it impossible that any such misapprehensions should be again entertained.

The first thing he proposed to do by this Bill was to vest the whole jurisdiction in relation to wills and in relation to granting all letters of administration—that was, the authority to deal with all matters which might be called matters of testacy and intestacy, in one metropolitan and central court, deriving its authority from, and exercising its jurisdiction in, the name of the Crown. It would be a civil court—a distinct court for all purposes, which he would shortly explain to the House. It would be necessary, according to his view, that the tribunal should be constituted in a court which was already a court of construction and administration—that it should participate in the fullest powers of that court and be itself a portion of the court, in order that the duties incidental to a court of probate might be fully and efficiently discharged. He proposed that the court should be established in the Court of Chancery; but that it should be a distinct court, having a judge and officers, and clerks of its own, and to be called "Her Majesty's Testamentary Court." It would exercise a complete, though not exclusive, jurisdiction upon all subjects relating to the proving of wills and the granting of letters of administration. He proposed to attach to the court, and to be also locally situated in London, an office having large and comprehensive testamentary duties. He proposed also to abolish entirely the whole of the jurisdiction now vested in 380 or 400 peculiar and diocesan courts, which were scattered over the whole of the country, and which, if it were worth while to enter into a description, would present a most ludicrous and absurd spectacle of divided jurisdiction, and make hon. Members wonder how it was possible that they should exist in a civilised country. The testamentary office attached to the court would be open to all Her Majesty's subjects to come in and prove wills and obtain letters of administration, without the intervention of, and without the necessity of employing any solicitor, any proctor, or any agent whatever. It would be the duty of the officers, at the head of this office, to promote the means of giving information, and to explain and give every information to all persons who might think proper to come in person for the purpose of proving wills. In cases where persons resided in the country, and where it would not be possible for them to come to the office personally, for the purpose of proving wills, the solicitors throughout the country who were Commissioners of the Court of Chancery would be armed with authority to receive wills, and to administer oaths, and to supply information, and to obtain such evidence as might be required as necessary proof, and requisite for proving all wills. They would procure affidavits, and take depositions, which would afterwards be deposited in the Testamentary Office of Wills in London. The Bill was framed so as to render this practicable, and so that there should be no mistake upon the subject which was a very important one; and in order to show the efficiency and economy of the plan, he would describe the machinery which would be set at work by the Bill. He proposed that there should be issued to all Commissioners for taking affidavits in the Court of Chancery—who, probably many hon. Members of the House were aware, were persons in the profession of the law, who had been recommended to the Lord Chancellor especially, on account of their good conduct for the appointment—that there should be issued printed forms of instructions with regard to the mode in which they should proceed in the exercise of their new duties. They would be furnished with printed forms of affidavits for taking depositions and making declarations in conformity with the provisions of the Act and with the various circumstances of the case. Printed declarations would also be issued to be signed by the parties applying for the proof of wills. In former times, and before the Act 1st *Vict.* c. 26, the probate of wills might be described as a mere process for authenticating the instrument; but since the passing of that Act — which herein perhaps might be thought not a very wise one—the duty partook of somewhat a judicial character and was no longer confined to what might be described as a mere matter of business. The duty of proving a will was now performed by officers to whom the ordinary business, which was technically called commonform business, had been assigned. Many duties were discharged by these officers which required a certain degree of attention, and which required also some skill on their part. When a document was produced to a solicitor or a proctor for the purpose of being proved as a will, it was the duty of that solicitor or proctor to examine the instrument to see whether it were duly attested, whether it appeared on the face of it to be signed in the manner required by the law, whether it bore any mark of interlineation or erasure, whether it consisted of one or more papers, whether there was a special nomination of executors or not, or whether there was a provision for a residuary bequest, and also to ascertain who the person was who appeared to be entitled by the terms of the instrument to have probate granted him. All these duties being as important in character as they were minute and numerous in detail, it was scarcely reasonable to expect that they should be performed with perfect and absolute accuracy by a person acting in an individual capacity in the country, unless his acts were subjected to the supervision and superintendence of the appointed officers in the General Office of Testamentary Jurisdiction in London. What he should propose, therefore, was, that the solicitor or proctor in the country should, after submitting the will to such an examination as he had described, send the document with all necessary accompanying documents up to London to the Testamentary Office; and when it was received there, it would be the duty of a registrar of that office to examine the papers so transmitted, in order to ascertain that the duties devolving on the agent in the country had been properly discharged. If any difficulty should arise, there should be a reference first to the registrar highest in authority, and then, if necessary, to a Judge sitting in chambers. If the will should be found to be in all respects a regular document, it would be at once admitted to probate, and letters to that effect might be transmitted without delay to the solicitor in the country; and thus all necessary arrangements would be both simplified and expedited.

And here he proposed to make an important and, as he thought, a most valuable alteration in the present law. He proposed that the simple process of printing should be at once resorted to—and that, instead of sending down the inconvenient oldfashioned and useless parchment copy engrossed by a lawyer's clerk, the documents, the moment they were proved in the Testamentary Office to be correct, should forthwith be printed; that some fifty or sixty copies—as convenience might dictate—should be struck off; that the proper stamp of the office should be affixed to one copy, and that there should be appended to all the others a seal representing the stamp affixed to the principal copy; and, finally, that the will, so proved, printed, and authenticated, should be forwarded to the executor or the agent of the executor. The advantage of this system had already been experienced in the Court of Chancery with regard to the printing of Bills; and there could be no doubt that it would work in an equally satisfactory manner when applied to the printing of wills. The question of expense was important; but he was happy to say that, in this respect, there would be no detriment, but rather benefit. At first sight it might be supposed that it would involve a material addition of expense—but this was not so; on the contrary, it would produce much greater economy. The present charge in the Prerogative Office for engrossing and making office copies of papers or documents was at the rate of 8*d.* per folio, which meant a sheet of ninety words. But then that charge was made for every copy, and as the same charge was made for entering it in the registry, scarcely any will was admitted to probate at a less cost than 1*s.* 4*d.* a folio; and as several office copies were usually required, it could scarcely be expected that under the present system the charge for copying a will admitted to probate could amount to less than from 2*s.* per folio, and the parties could only get one, or at most, two copies of the will. But the system which he proposed to introduce would occasion a great improvement in this respect; for, according to the most accurate estimate that could be formed, he found that the charge for printing and supplying 100 copies of a will would only be 9½*d.* per folio; so that the executor might receive any number of printed copies of a will that he required for a sum of money little more than one-half of what he had to pay for the cumbrous, perplexing, and misleading copy on parchment—he so characterised the parchment copy, because, from his experience in courts of justice, he was aware that many of the errors, misapprehensions, and mistakes made with regard to the meaning of testamentary documents arose from the difficulty which unlearned persons experienced in collecting the meaning of an instrument, when they had to read it in a written form, and more particularly in that form of writing known as "engrossing." The reading of a printed paper became so simple, and was so intelligible to the ordinary persons who wished to know the meaning of the will, that he hoped he might not be too sanguine in expecting that the introduction of a printed copy would facilitate the apprehension of the meaning of the instrument, and prevent much mistake, and, by preventing much mistake, prevent also much litigation. But there was another and an obvious advantage which he was sure the House would anticipate him in understanding. The great object which they had in view was to establish in the metropolis and in the country registries of documents which would be of use, not only for the people immediately interested, but which would be also of use for statistical purposes; and, without any additional expense, by printing the copies, a copy could be registered in the Testamentary office, another copy could be filed in the office of the registrar of births, deaths, and marriages, and thus those instruments when collected would form an important addition to our statistical information. And, by making one probate universal in the three kingdoms, they would be enabled to send a copy to Ireland or to Scotland, or to the registrar of the diocese, or to the clerk of the peace, or the parish in which the testator might have died. The instrument, when thus printed and sealed with the seal of the court, would be sent down to the executor, and he could afterwards have whatever copies he might require, instead of copies merely of extracts, as under the present system. This was the form in which he proposed that letters of probate should be sent to persons at a distance. For those who were willing to come to the Testamentary Office there would be officers ready to give every necessary information that could facilitate the proving of wills and to swear them to their affidavits. So much, therefore, with regard to the ordinary form of proving wills where no dispute or controversy occurred.

With regard to cases of dispute or controversy, he proposed that the mode of procedure should be of the simplest and most expeditious character. Caveats would be entered in the Testamentary-office in the same manner as they were now entered in the Perogative Court. If it were necessary to have a suit to determine the sanity of the testator, or any other matter touching the validity of the will, a suit should be commenced in the simplest and most summary form, by a simple claim in the Court of Probate wholly devoid of any legal technicalities. The claim would be filed in the court against the parties who were interested in the question. The suit would then proceed either by a *vivâ voce* examination of the parties—which was a power which he desired to give to the court, and which, he hoped, it would exercise in the fullest manner—or by written deposition, according to the nature of the case. There were various other provisions in the Bill which it would be beyond the present purpose to enumerate, but which were intended to make the proceedings under it easy, simple, speedy, and economical. Hon. Gentlemen present, who were familiar with the practice of the courts, were, no doubt, aware that a great alteration had been made in the jurisdiction of the Court of Chancery. His great object in fixing the Court of Probate in the Court of Chancery was to add to the former the functions of a court of administration in addition to those of a court of probate. This was a matter of such deep importance, and one which, sooner or later, must concern all, that he might perhaps be pardoned if he detained the House a few moments while he pointed out the great necessity of this provision. Under the present system, supposing there were a controversy about granting probate, or letters of administration, nothing could be done to collect or administer the property until that controversy were settled. The result, therefore, according to the present state of things, was that, if there was a suit in the Ecclesiastical Court, it became necessary to have another suit in the Court of Chancery to enable the parties to obtain some authority to prevent the estate going to ruin, and to enable them to get legal power to collect and preserve the property. But at present, the jurisdiction of the court was very imperfect, and although it could give the parties authority to collect, they could not give authority to administer the property. The result was, that the whole of the affairs of an estate were suspended, to the great detriment of those who were interested in it, during the time that the will was in litigatoin in the Ecclesiastical Court. If, however, there were added to the ordinary functions of the court of probate the functions of a court of administration, there was no reason why the ordinary duties of administration should not be performed while the other questions were pending; and it was accordingly proposed that the court which entertained the question of what person ought to be admitted to probate, or of the validity or invalidity of a will, should be empowered to receive, to collect, and to administer the estate up to the time when it was handed over to the person entitled to it. It was palpable, therefore, that as long as probate and administration were severed, the authority was insufficient, and the parties interested in the property were mocked in their desire to have one uniform tribunal capable of answering all the purposes of the case. Neither was it possible to have a comprehensive and complete remedy, unless resort were made to a court which could give probate and administration also. This was the reason why he was anxious that the court of probate should be a court with the power and authority belonging to that tribunal which, in the present day, was the only tribunal known to this country which could discharge at once the functions which belong to a court of construction and of administration. There was at present this absurdity in the existing system, that the Ecclesiastical Court had no power to construe a will except for the purpose of determining to whom the probate should be given, and the interpretation of that court was not binding upon the tribunal to which the will might afterwards be submitted for the purpose of ascertaining the rights of the parties interested under it. A court of probate which was not also a court of construction might put an interpretation upon a will which might be afterwards held to be incorrect by a court of final construction; and it was plain, therefore, that if we wanted uniformity of jurisdiction, and not to drive persons first to one tribunal to get a small piece of justice, and then to another, and afterwards to a third; and if we wished to put an end to the anamoly of the present state of things, we must give to the new court of probate all the power, all the authority, and all the functions which were necessary not only to enable it to discharge the functions of a court of probate, but of a court of jurisdiction also. These were the reasons which induced him to endeavour to make the new court one which would answer every purpose of the suitors resorting to it, and he believed he could best accomplish this object by connecting it with the Court of Chancery, a court of administration and construction, not to give it a separate and independent character. Various improvements had recently been made in that court with regard to the administration of estates. In former times when a person was left a legacy under the will of a testator, it was necessary for him to file a bill in chancery against the executor or administrator to recover the amount; but under the present system he had only to go to the chambers of a judge, where he could get a summons for a few shillings, which he could serve on the executor or administrator, and by that means bring him within a day or two, before the court to answer why the debt or legacy was not paid. He knew repeated instances in which the parties had gone personally without the intervention of a solicitor, and obtained a summons; and, when the executor had attended in obedience to the summons, the clerk said, "Why have you not paid the legacy or the debt?" Sometimes the executor offered some excuse, and, if it were not satisfactory, the clerk said, "We must make an order for you to pay the money." This generally led the executor to pay, and thus in the course of a few days, the money was recovered at an outlay of a few shillings only. He, therefore, thought that the new court should be a part of a tribunal the procedure of which had been thus rendered simple, cheap, and inexpensive, and that he was not exposing this measure to any apprehensions, such as those which were entertained with respect to the Bill of last year, and which he had seen expressed in the ordinary journals of the day—that by transferring this jurisdiction to a court with the same procedure and powers as the Court of Chancery, the individuals who resorted to that court would be exposed to delay, expense, and those other kinds of objection which formerly might, with propriety, have been urged against the procedure of the Court of Chancery. So much for the manner in which he proposed that the new court should act in matters relating to wills of personal estate.

Many Members of the House would probably be aware that in the Reports of the Real Property Commissioners and the Chancery Commissioners, recommendations had been constantly made that there should be no distinction upon the subject of probate, between wills relating to personal estate and wills relating to real estate. Wills relating to the one or other were seldom found to be contained in separate instruments. It was rare to find that a man made a will relating to his personal estate, and another will relating to his real estate. He might do so legally; but hon. Members were probably aware that though the probate of the will was conclusive with regard to the personal estate—and great benefits and advantages had resulted from that rule of law—yet the probate of the will, granted as it was, after proof of the execution of the will, did not carry with it any evidence, or have any effect whatever with regard to the title to real estate. Our law, therefore, in the present state of things, produced this singular anomaly, that they required the same mode of execution, and the same attestation with regard to wills whether they related to personalty or realty; yet, after the will had been established in the proper court as one of personalty, the validity of the same instrument was not established as regarded real estate. Nay, there was still a stronger absurdity. One and the same will might give rise to half a dozen different and conflicting determinations. A man made a will with regard to his personal estate, and in the Ecclesiastical Court he was pronounced to be of sane mind and understanding, and probate was granted. Next day the heir-at-law brought an action against the devisee, and the court of law sat in judgment on the same question, and came to a different conclusion. Another devisee of another portion of the property might again contest the same question, and the court of law might come to a different conclusion from that of the first. The decision of the Prerogative Court might be carried by way of appeal to the Judicial Committee of the Privy Council, whose decision was final and irreversible. The decision in the other case might be taken to the House of Lords, whose decision was equally final and irreversible. Thus, they might have with respect to the same instrument two final and irreversible courts arriving at conclusions directly in the teeth of each other—the one pronouncing the will to be invalid and the testator insane, and the other pronouncing it valid, and that the testator was of sound and disposing mind, and of sufficient testamentary capacity. It was high time that this anomaly should be put an end to; and that there should be a power of arriving at some final conclusion with regard to the validity of wills of real estate. In the Bill of last year it was proposed that wills of real estate should be proved in the Court of Probate in like manner as wills of personal estate. That was a provision which excited great alarm—an alarm that was increased by the mere circumstance that the expressions used were, that such a Bill should be proved "in like manner as a will of personal estate." Probably that alarm arose from the supposition that it was intended as the first step towards applying the probate duty to land; and, not being desirous of giving occasion to a similar apprehension, he had not incorporated in his Bill those clauses of the former measure relating to the proof of wills of real estate which had given rise to those terrors in the minds of some hon. Gentlemen, and induced the belief that there still existed in the procedure of our courts of equity those abuses which were at one time urged as a just and serious ground of complaint against that tribunal. There was, however, in existence in the Court of Chancery a procedure which would answer the same purpose, and would not afford the same grounds for apprehension and alarm. They had long been in the habit, in courts of equity, of entertaining bills for the purpose of establishing wills of real estate, and by declaring the residuary fund to be available for all purposes in reference to the establishment of the will. He proposed that, in the Court of Probate, any person interested in real estate under a will should have the power of bringing forward that will for the purpose of having it finally and conclusively established. In the present state of the law this evil existed—a will might be found, after the death of the testator, creating a variety of successive estates—estates in remainder—and the result was that the heir-at-law most probably entered on the possession of the property, and yet it was utterly impossible for him to say that he should ever have a conclusive title to that estate, or that the alleged incapacity of the testator should be considered as finally settled; for as each successive estate in remainder came into possession, the remainder-man had a right to try the question with the heir-at-law. Hon. Members might be aware that it was impossible that in cases of this kind the question of testamentary capacity or incapacity of the testator could be finally determined. He therefore proposed that, in the Court of Probate, these questions should be brought on claims or bills for establishing wills, or for pronouncing conclusively for the testacy or intestacy of an alleged testator, and the questions would be once for all determined in those cases. The result would be that the court would be enabled to pronounce either for the validity of the will or for the intestacy of the testator, and a title would be created by the decree, either fully establishing the will, or delivering to the heir-at-law a certificate of the intestacy of his ancestor, which would make his title secure. By this mode the object of granting probate of real estate would be accomplished, and an end would be put to a variety of evils which now required the application of some such effectual remedy. In effect, the new tribunal—if he had succeeded in conveying his meaning to the House—would be an exclusive court for all questions relating to the validity or invalidity of wills, whether of real or personal estate.

There was another object sought to be attained by the measure of which the House would at once see the advantage. According to the present state of the law the executor represented the testator, as regarded his personal property, and had most complete power over his personal estate; but with regard to real estate there was no person who so represented the testator. If it were necessary to sell a part of the real estate to pay debts or legacies, or to pay portions, or to raise money by way of mortgage—for all the purposes which arose in the course of the administration of an estate when the real estate was called on to be auxiliary to the personal estate—from the want of a person to deal with the real estate, neither of these objects, so useful and necessary, could be effected without resort to the Court of Chancery and the institution of a regular suit. He proposed that the Court of Probate should be enabled, in certain cases where it might seem necessary or expedient, to appoint, with respect to the real estate, a person whom he would describe as "the real representative," and that he should have, for all purposes of administration, power and authority, with respect to the real estate, correspondent with the power and authority over personal estate vested in the executor. These were the means by which an efficient administration of real and personal estate would be accomplished by the power and authority which it was proposed to give to the Testamentary Court.

The next subject, which was of extreme importance, was, to consider how he proposed to deal with the numerous class of persons—the judges, the registrars, the officers, and the proctors—who would be thrown out of employment—who would be deprived of their offices by this sweeping and universal change. Before he spoke further on this subject, it would be necessary to remind the House of what had been done by former Parliaments on this subject, and in anticipation of the time when the reform—now, he hoped, about to be accomplished—would take place. By the Act of 6 & 7 *Will.* IV., c. 77, it was provided—

> "That in case the office of judge, registrar, or other officer of the ecclesiastical courts of England and Wales, except the Prerogative Court, should become vacant during the period therein mentioned, the persons who should be appointed thereto should accept and take such offices subject to such regulations and alterations as thereafter might be made by Parliament; and should not, by reason of such appointment, acquire a vested interest in any office, or a title to any compensation in respect thereof, in case such office should thereafter be abolished by Parliament."

The time specified was twelve months, or to the then next Session of Parliament. That Act had been continued by subsequent statutes, down to 10 & 11 *Vict.*, c. 98, by which Act the enactment was renewed in rather more stringent terms. The words were—

> "Every person who shall have been appointed after the passing of the first-recited Act, or who shall be appointed after the passing of this Act, to the office of judge, registrar, or other officer of any ecclesiastical court in England, shall hold the same subject to all the regulations and alterations affecting the same, which may hereafter be made

by Parliament, and that he shall not acquire any claim or title to compensation in case the same shall be hereafter altered or abolished by Act of Parliament."

It perhaps might occur to some hon. Gentleman that advantage might be taken of this enactment; and he was not prepared to say that there might not be cases in which they might be justified in taking advantage of that enactment. In looking over the appointments made in the diocesan courts, he had been shocked and grieved with many instances which had fallen under his observation. He had met with an instance of a right rev. Prelate appointing his son to the office of registrar—a boy seventeen years of age—and other instances in which appointments had been made of persons of still tenderer years. He had seen other appointments not consistent with that moral sense of obligation which ought always to guide and direct the appointment of individuals to public offices. But, notwithstanding instances of this kind, he thought that, as a general rule, the House would agree with him that, as those statutes had not been acted upon at all, and had been treated as a species of dead letter by Parliament—for they had been renewed from year to year—it would not be wise or just, or in conformity with the feelings of hon. Gentlemen, that an appeal should be made to those statutes, for the purpose of setting them up against any reasonable claim to compensation which might be brought forward by officers who might be dispossessed of their offices by the present Bill. He had examined the subject with some care, in order to ascertain that, with still very great relief to the people of England, by continuing merely the fees which were now paid for some period of time, both an adequate and a fair compensation might be given to all persons who were now in the enjoyment of offices proposed to be abolished, without resorting to either of those enactments which prohibited such compensation. He would, in Committee, endeavour to make intelligible the whole of the figures on which his plan of compensation was based, and he trusted it would be found that the plan was well grounded, and that it was a merciful and compassionate plan; that it was one which would have this benefit—that it would contribute to effect this reform by disarming that opposition which for the last thirty years had been successful in battling and defeating it. He would now enumerate those persons who were entitled to compensation. He was obliged to begin with an individual whose name was probably familiar to most hon. Gentlemen, and who certainly stood in a position not very encouraging to the feeling or temptation to give him the full amount of compensation which he (the Solicitor General) proposed. It appeared that there prevailed in the Prerogative Court the most reprehensible practice of granting the office of the registrar of the court during the life of the occupant of the office. He was sorry to say that that practice, not only appeared to have been continued by archbishop after archbishop, but that the particular mode of dealing with the office had received the sanction of the House in a manner which would make it idle and absurd for them to complain of the practice which had been adopted. He would state the facts from the Report of the Commissioners. The last grant to the office was made by Archbishop Moore, in 1799, to the Rev. George Moore, the Rev. Charles Moore, and the Rev. Robert Moore—three of the sons of the archbishop. The Rev. Robert Moore was now entitled to all the emoluments of the office. That gentleman had been blessed with a long life, and since the year 1799 he had been in the enjoyment of a most perfect sinecure, amounting to 8,000*l.* per annum. Fifty-six years' enjoyment of a sinecure of 8,000*l.* a year! In the year 1828, the Rev. Charles Moore being dead, the Rev. George Moore and the Rev. Robert Moore, being then the surviving grantees, declined to make the usual surrender to enable Archbishop Sutton to regrant the office, and a private Act of Parliament was passed, enabling the Archbishop of Canterbury for the time being, with the confirmation of the dean and chapter, to appoint to the office of principal registrar notwithstanding any prior grant; so that, nevertheless, there should not be more than three lives in the office at one and the same time. How that Act passed—who were asleep at the time—he did not stop to inquire; but, to a certain extent, it certainly stopped the right of the House to complain of a practice which it had itself thus formally acquiesced in, however reprehensible it might be. In virtue of that act, Archbishop Sutton made a grant to his grandson, Viscount Canterbury, subject to the rights of the Rev. George and the Rev. Robert Moore. The Rev. George Moore was since dead, but the Rev. Robert Moore was now alive; and after the passing of the Act of the 10 & 11 of the Queen, the present Archbishop of Canterbury, in the year 1849, had made a grant of the office to Robert George Moncrief Sumner, Esq. He (the Solicitor General) did not mean to include the name of that gentleman as a person entitled to compensation. The three lives now were the Rev. Robert Moore, Viscount Canterbury, and Mr. Sumner. The Rev. Robert Moore, it appeared, had a right also to the building in which the wills were kept; and, therefore, it would be necessary, during the few remaining years of his life, to give him, as compensation, 8,000*l.* a year. When a grant of an annuity of 3,000*l.* a year was made by Parliament to Viscount Canterbury, there was a provision inserted that that annuity should cease when he came into the emoluments of this office. Therefore, when that event occurred there would be a saving of 3,000*l.* a year to the country. The returns made to Parliament in 1833 comprised the whole amount of the fees and income received by the Judges, registrars, and various other officers of the different diocesan, peculiar, and other courts now proposed to be abolished. It appeared from these returns that after deducting the proctors—to whom he would not then refer, except to say that they were well provided for—that the whole income receivable by Judges, registrars, and other officers was something less than 38,000*l.* He thought himself that it was some considerable sum less than that amount; but he was desirous of taking a large margin, and if he erred to err on the right side—the compensation to Mr. Moore would amount to 7,000*l.*, and the total sum requisite for the officers whose offices would be abolished would be 42,000*l.* The expenses of the Prerogative Office of Canterbury were 19,000*l.*; and, as it was now proposed to augment the Testamentary Office, and thereby considerably increase its expense, it would be safe to compute the cost of the new office at 38,000*l.* The present Dean of Arches of the Prerogative Court of Canterbury might possibly retire from office; his salary was 4,000*l.* The aggregate of the sums above enumerated was something less than 100,000*l.* per annum. Then there remained the question of the proctors. It was first proposed to give to these gentlemen a priority of business in the new court for some time: but that course was afterwards thought to be not fair towards those gentlemen. He had a great desire to meet, in a liberal spirit, the fair claims of all these gentlemen with regard to the probable loss in their professions; he believed, however, that their apprehensions of loss would turn out to be unfounded, and that when they emerged from the shade of Doctors' Commons into the light of day, and exercised their profession on a more extended arena; their experience, skill, and sagacity would enable them to compete successfully with solicitors now practising their profession in the courts of Westminster Hall. At the same time, they were entitled to some reasonable equivalent for the risk of loss of practice which they would, at least, at first have to incur. This Bill, therefore, proposed to secure to these gentlemen for life an annuity equal to one-half the clear income now received by each of them from the testamentary branch of their business. That allowance, if it erred at all, would do so on the side of liberality, because the junior class of those who would receive it would, in addition, have a larger field opened to their professional exertions by this measure, while the seniors of the body would receive a handsome retiring pension. The number of proctors in London did not exceed 120, whose own estimate of their professional incomes, derivable from all descriptions of business, did not average more than 700*l.* per annum for each. Computing the incomes of the country proctors at the same amount, though they could hardly be so high, the compensation, at the rate of one-half their incomes, to be provided for the entire body would be 52,150*l.* Adding this item to the other charges before-mentioned for the Testamentary Offices, allowances to officers of diocesan and peculiar courts, compensation to Mr. Moore, &c., the whole would amount to 144,150*l.* To meet this charge the annexation of the business of all the minor courts to that of the Prerogative Court, and the continuance of the fees of the latter tribunal would, according to the returns, provide a fee fund of 74,740*l.* This would be the aggregate of the fees of this court. The great saving to the people at large by the change proposed would be in the fact of the public being only obliged to employ one legal man, and not, as heretofore, two—a proctor and a solicitor—which induced the payment of two bills of costs. In the fees of court he did not propose at present to make any material deduction, save in what was called the proctor's fee, which was now calculated on a per centage of the stamp on the letters of probate or administration; and as proctors were to be abolished that would of course entail the abolition of the proctor's fee. The substitute for this fee he proposed should be this. By a return made to the House, he found that the proctor's fee, if the property was sworn under 100*l.*, was 9*s.* 2*d.*, or within 10*d.* of the amount of the stamp, which was 10*s.* He proposed that in future 3 per cent should be charged on the stamp, so that the public, under the new Bill, when the property was under 100*l.*, would be relieved of the proctor's fee, but would have to pay 1*s.* 6*d.* on the stamp. When the property amounted to 8,000*l.* or 9,000*l.*, an approximation to the fee now paid to the proctor would be charged. The present fee now paid on such a sum was 3*l.* 8*s.* 2*d.*, and the proposed charge under the substituted per centage on an amount so large would be 3*l.* 7*s.* 10*d.*, so that the charge would be always found less than that now paid. So, too, where the estate was 600*l.*, the proctor's fee of 2*l.* 4*s.* 10*d.* would only be 1*l.* 13*s.* This substitute for the proctor's fee he proposed should be paid into the testamentary fund. The income that the proctors would derive from the per centage fee would amount to the sum of 87,953*l.*; and this, with other fees, would yield a total of 158,661*l.*, which might be taken as the sum likely to be paid yearly in future to the fee fund of the court. That sum of 158,661*l.* was what they would have in order to meet the current charges of 144,000*l.*; thus leaving a margin of 15,000*l.* for other purposes. And this would be effected without any increase in the stamp duty. It must not be considered that the 144,000*l.* would be a permanent charge against the fee fund—such would not be the case; and if the business of the court increased the fees would be augmented, and the fund would be increased proportionately. This fund would be raised without entailing any new burthen on the suitors of the court. He hoped this was a plan which all might support, because it did not burthen the public, or deal injuriously with vested interests. He must now be allowed to express his obligation to the Registrar of Deaths and Marriages for the information and assistance he had rendered; and he had been informed by him that there were at present ample fire-proof rooms for the reception of all wills which now existed or which were likely to exist, for many generations to come. With respect to the locality and security of documents, abundant means would be devised to secure those objects, and a great convenience would be obtained by the public.

There was another class of gentlemen yet to be considered, the advocates of Doctors' Commons. He proposed they should be admitted to all the advantages enjoyed by barristers-at-law, and, no doubt, in the case of the more eminent the Lord Chancellor would feel it his duty to confer the privilege of silk gowns. He had no doubt they would be gainers by the change. They also possessed valuable property in connection with the present courts; he proposed that they should have every facility for disposing of it, and that they should have every compensation to which they were fairly entitled. There was another tribunal he wished to deal with—the Court of Admiralty; but, as a proposal for changes in that court were still under consideration, he might say he hoped the result would be to throw it open to the bar at large—a result he much desired to see.

As it would not be right, in effecting a reform of this kind, to leave in existence matters which would interfere with the uniform character of the scheme, he had to inform the House that another important subject, the establishment of a tribunal for all matters relating to marriages, was under consideration. A Bill on the subject was very nearly prepared, and immediately after the Easter recess it would be brought into that or the other House of Parliament. Both measures, therefore, might be considered together, and both, after discussion, would, he hoped, be brought into such a shape as to admit of their being passed into law.

There was one provision which he regretted that he had not been able to introduce into the present Bill. In proposing to bring to a metropolitan tribunal the whole of the jurisdiction now exercised by courts of inferior jurisdiction in the country, he was aware of the extreme advantage of giving to persons in the country the benefit of local administration for small estates. Therefore, it had been his desire to confer on County Courts the power of administering to next of kin intestate property which did not exceed the value of 300*l.*, and also of adjudicating, on a remit for that purpose by the Court of Probate, on all contested matters where the estate to be administered did not exceed the like sum. Objections, however, were felt to this provision in quarters entitled to respect, on the ground that, however desirable such an enactment might be in the abstract, at present the condition of County Courts was not such as would enable them with benefit to exercise such jurisdiction. He was afraid that that objection might arise from the peculiar bias of a lawyer's mind, which was not satisfied in respect to any amendment of the law, unless a great amount of protection in the administration of justice was provided. A very high price for our advanced state of civilisation was paid in the great complexity and intricacy attending the administration of justice, but in reference to small estates he thought they might be satisfied with the administration of what might vulgarly be called rough and ready justice, sufficient for the purpose, and preferable to a costly administration, which, in case of small properties not able to support great expenses in law proceedings, amounted to a denial of justice. He should, therefore, be glad to invite attention to this subject, though he could not now introduce any provision with respect to it, in order that the House might consider whether it would object to make the experiment he had suggested.

These were the principal points which he now had to submit to the House, and, seeing the interest which existed on the subject out of doors, he hoped the House would forgive him for having trespassed so long on its time. The Bill contained a clause for rendering one probate universal for England, Scotland, and Ireland, but he had some misgivings as to the practical working of that particular provision in respect to Scotland, on account of the different systems of law that prevailed in the two countries; and if, on discussion, it was thought that it would not work with facility, its application to Scotland might be omitted from the Bill. In conclusion, the hon. and learned Gentleman referred to the subject of the Church Discipline Act, with respect to which, he said, he had not now the authority of the Government to speak; but he had prepared a measure relating to it, which would be laid before the Government for their consideration. He would now move for leave to bring in a Bill to abolish the Jurisdiction of all the Ecclesiastical and Peculiar Courts in England and Wales respecting Wills and Administrations, to establish a distinct Court of Probate and Administration, and otherwise amend the Law in relation to matters testamentary.

MR. NAPIER said, he did not rise to offer any opposition to the introduction of the Bill, or to comment upon the details which had been brought forward so clearly and ably by the learned Solicitor General. What struck him as somewhat extraordinary in listening to the speech of the hon. and learned Gentleman was, that he remembered that last Session, when a testamentary jurisdiction Bill was passed through the House of Lords, and had come down to the Commons, but no decision was come to upon the measure, the Lord Chancellor gave as his reason for not proceeding with the Bill, that it was necessary to consider the whole subject of the jurisdiction of the ecclesiastical courts, and that it would be idle to deal merely with the question of testamentary jurisdiction alone. The House appeared to him to be placed in a curious position, for last year the same Lord Chancellor, the law officers of the Crown being the same, made that statement, and now they were called upon, instead of dealing with the entire subject of ecclesiastical jurisdiction, to deal with only one branch of it—a testamentary jurisdiction Bill—a vague promise only being given that a marriage and divorce Bill was under consideration, and he believed that the hon. and learned Solicitor General had stated that there was some intention of considering the question of Church discipline. He did not deny that the proposed Bill might be, as far as related to testamentary jurisdiction alone, a very excellent Bill; but it was testamentary jurisdiction which mainly supported the staff of the ecclesiastical courts, and if that jurisdiction were removed from them, these courts would be left in a mutilated condition for other jurisdiction in matters of marriage divorce, and Church discipline. He perfectly agreed with the Lord Chancellor in the opinion he expressed last year, as to the propriety of legislating upon the whole subject, and in consequence he felt some difficulty in knowing how to give his support to the present instalment of reform. The Bill, as far he had been able to gather, differed from that of last year, inasmuch as it proposed, instead of transferring testamentary jurisdiction to the Court of Chancery, to establish a Court of Probate to which that jurisdiction should be given. When that proposition was made last year the Lord Chancellor stated that in framing the Bill which he then introduced it was framed against the recommendation of the majority of the Commissioners, but that the recommendation of that Commission had been protested against by the Master of the Rolls, the Solicitor

General, and the right hon. Baronet the Member for Carlisle (Sir James Graham); and yet the Solicitor General now proposed to contravene the principle of the Bill then introduced and to establish a new Court of Probate. The Bill introduced last Session passed through the House of Lords, and how could it be expected that a Bill entirely contravening that measure, even if passed by the House of Commons, would receive the assent of the other House of Parliament? It appeared to him that the course taken between the two Houses of Parliament, and by the same persons, was precisely that best adapted to secure the rejection of the Bill, and to defer an important measure of reform, which, however, ought to embrace the whole subject of the ecclesiastical courts. The hon. and learned Gentleman did not propose to enact any new system of Church discipline, and yet the present state of the law on that subject was most unsatisfactory, and there was a delay in the procedure which amounted to a denial of justice. The Lord Chancellor said it was important to have a reform of the ecclesiastical courts, and yet by this measure the ecclesiastical courts were to be left in a worse position than before. The hon. and learned Gentleman was proposing a testamentary Bill in direct contradiction to that which received the assent of the House of Lords. Now that this subject was being dealt with, would it not be easier and better to carry out a substantial measure of reform in every department of the ecclesiastical courts, to accompany this Bill concerning testamentary jurisdiction by a marriage Bill, and have, moreover, a Church discipline Bill? The present state of Church discipline, while it was disgraceful to the Church, was also most injurious to the interests of religion. There ought to be a tribunal which would claim and possess the confidence of members of the establishment, and which would exert authority as a court of appeal in matters of discipline. At present, even in the case of a delinquent clergyman, he believed the cause could not proceed without a kind of begging-box going round for funds to carry the case forward. Was this a decent state of things as regarded the Church? So far, however, from treating this matter as a whole, the hon. and learned Gentleman only took up a part of that large scheme of reform which was proposed last year. There ought properly to be a similar Bill for Ireland. [The SOLICITOR GENERAL: "Hear!"] and the wise course would be to take the ecclesiastical courts of the two countries, and to deal with them, not by piecemeal, but as a whole, embracing in the measure the three subjects of testamentary jurisdiction, marriage and divorce, and Church discipline. If the Solicitor General did this he would have the support of both sides of the House, and every assistance would be given to him in order to carry out a perfect and complete reform of the ecclesiastical courts.

MR. MALINS said, he would not oppose the introduction of the Bill. The subject was one of the very greatest importance, and every proposition respecting it deserved the serious consideration of the House. To the Bill introduced last year into the House of Lords he had been prepared to offer his most determined opposition; but in the month of July the Government had thought proper to withdraw the measure. He congratulated the hon. and learned Gentleman on having now brought in a Bill so materially different from its predecessor; but he still objected to the proposal that the testamentary jurisdiction should be transferred to the Court of Chancery. The Commission of 1853, composed of men of the highest eminence, and free from any particular bias, had reported against adopting that course by a majority of ten to three, and had recommended the establishment of a Court having testamentary jurisdiction, but entirely unconnected with the Court of Chancery. The hon. and learned Gentleman now proposed to establish a distinct court which should be a branch of the Court of Chancery. Now he (Mr. Malins) confessed that he could not collect from the remarks of his hon. and learned Friend any reason why testamentary jurisdiction should be transferred to that Court. Last year he presented two petitions against the plan now proposed by the Solicitor General; one petition had also been presented, signed by the Lord Mayor and by 258 leading bankers and merchants of the City of London, who expressed their anxiety and alarm at the proposed transfer of the testamentary jurisdiction to the Court of Chancery, and who bore testimony to the satisfactory manner in which the business was conducted in the Prerogative Court of Canterbury, with accuracy, despatch, and security for the public interest; there was also another petition from professional men, from a body of solicitors, although against their own interest, since the measure which they opposed would have thrown open the testamentary business to the profession at large, instead of its belonging to an exclusive class of proctors; but they represented that, in their opinion, the mode of conducting the common form business in the Prerogative Court was very satisfactory, and that it could only be necessary to make some improvements, and a change of name, calling it the Court of Probate, instead of an Ecclesiastical Court; but they prayed that its business might still be conducted by the present body of practitioners in Doctors' Commons. By the present system there was never any difficulty in obtaining probate of a will in two or three days, and it was not even necessary to employ a solicitor. There was a very accurate registration of wills, and we might go and ask for the will of any person within the last two centuries, only giving his name and the year in which he died; we might see that will in a few minutes, or have it copied for a moderate fee; and every gentleman who had acted as an executor must be aware that it was not the proctor's Bill, but the Government stamp, which constituted the expense of proving a will. To show the extent of this business, in the year 1852-3, there were between 13,000 and 14,000 wills proved in the Prerogative Court of Canterbury, representing property of more than 50,000,000*l.* sterling; and, in addition to those, 5,000 administrations were granted, making altogether about 18,000 grants of testamentary jurisdiction out of that Prerogative Court. Such was the common form business of the Court. The other part of its business was the contentious business; and how many of the wills proved in that year were opposed? Why, only forty; of which cases some were protracted and others not. Now, it was proposed to break up that business and transfer it to the Court of Chancery, and for this change the public would have to pay 42,000*l.* a year to compensate the proctors for the loss of their emoluments. The country would gain nothing, only this Court, instead of being called Her Majesty's Court of Probate or Testamentary Court, it would be called a testamentary branch of the Court of Chancery. What reason had his hon. and learned Friend assigned for transferring this business to the Court of Chancery? The only reason offered was, that sometimes, while a will was contested, the Court of Chancery was applied to for the protection of the property *pendente lite;* but in the Court of Vice Chancellor Stuart, where he (Mr. Malins) practised, there had not been a single motion of the kind for the last two years; and he believed that if the records of the Court were searched, there would not be found three applications for a receiver *pendente lite.* With regard to personal property, the testamentary courts now had power to grant limited probate, and if they had no power over real estate, neither would the proposed Court. According to the hon. and learned Gentleman, a great object of this Bill was to give the Testamentary Court the power of for ever settling the validity or invalidity of a will. The hon. and learned Gentleman said that for a long period the practice had been to allow an heir-at-law contesting a will to bring actions of ejectment, one after another, until he was stopped by a court of equity, but the hon. and learned Gentleman forgot that the Court of Chancery had recently decided that wherever a devisee claimed under a will, and the heir-at-law threatened litigation, he might file a bill against the heir-at-law, praying to have the will established against him. He quite agreed that the practice of the Court of Chancery had been immeasurably improved, and such a Bill would be a very simple matter, not occupying more than four or five printed pages. It would set out the will and pray to have it established against the heir-at-law. The heir-at-law must then either come in and contest it, in which event he would be entitled to try the question by an issue, or he must admit the validity of the will, and there would be an end of the matter. If that could be done now, there was no necessity to give as a new power what already existed. He thought on these grounds the hon. and learned Gentleman had failed to show any reason for abolishing the present Court. All were agreed that it ought to be a temporal and not an ecclesiastical court; and if it were a separate court now, by this measure the court would still be separate, though it went under the name of a branch of the Court of Chancery. It could not be said that the business was inefficiently performed, either by the Judge, the advocates, or the proctors. All the evidence was to the contrary, and more especially it went to show that it was a great protection to the public to have the business in the hands of a limited body of men of great respectability, whose experience easily detected any attempts at fraud. The existence of a body of men like the proctors, only 120 in number, most respectable practitioners immediately under the eye of the Judge, who were responsible for the accuracy of the documents they proposed for probate, was a very great safeguard; for if the solicitor who drew the will had been guilty of a fraud, he was bound to take it to the proctor, whose experienced eye would probably detect what was wrong. It was now proposed that, instead of a proctor, independent of him who drew the will, any country solicitor, who was a commissioner for administering oaths, should take a printed form of affidavit, and send it filled up, by post, to the officer of the court for examination. Upon such a transaction as that, the safeguard against any fraud was to depend. It was not likely that any salaried public officer would ever perform the duty with as great vigilance as a professional man like the proctor, whose reputation depended upon it. The security was so great now, that a forged will was almost a thing unknown; the public would lose that protection, but would gain no other advantage; and the Government would not gain anything, for the amount of the stamp would be the same. He admitted that many of the peculiar jurisdictions throughout the country had brought the present system into some disfavour; and he concurred as to the propriety of abolishing them; but why should the whole body of proctors—the Court which worked admirably, and the Judge who did his duty to the entire satisfaction of the public—be superseded by a new court with inexperienced practitioners? Why should 42,000*l.* a year be paid to a body of men as compensation for refraining from duties which they were anxious to perform, and which they had hitherto performed without any complaints being made against them? His hon. and learned Friend had said, as he understood, that it being impracticable to give testamentary jurisdiction to the County Courts, all will cases would be brought to one metropolitan tribunal. That was contrary to the legislation of late years, which brought justice to every man's door; and, contrary to the recommendations of the Commission, that in all cases of wills below a certain amount they should still be allowed to be proved in the country, and deposited there for inspection. What an expense it would be to oblige all those people to leave their homes and come to London for the purpose. He trusted the Government would take that seriously into their consideration. The Commissioners were perfectly satisfied that the duties were well performed, and that the officers could not be abolished without injury to the public; he therefore thought it advisable still to retain some of these small jurisdictions, as recommended by the Commissioners, for the deposit of wills of limited amount, where the cost of proving them would be small, and where they could be inspected at a moderate expense. He, therefore, saw no advantage in opening the business to the whole profession, at a cost of 40,000*l.* The Solicitor General had stated none beyond transferring the business to the Court of Chancery. The new jurisdiction could not advance a step until they had decided whether the instrument was a will or not; they would then have to determine who was entitled under it. Upon general principles, he thought that the Court of Chancery, being totally inexperienced, was not adapted to decide the question whether a testamentary document was a will or not. At present we had a vast establishment for this purpose, with extensive buildings, and more were required. How the Solicitor General was to find room in Lincoln's Inn, or out of it, for the new business, he could not conceive. He trusted the hon. and learned Gentleman would thoroughly reconsider the matter, and would come to the conclusion that Doctors' Commons ought to be maintained, with its establishment of advocates and proctors. Of the latter there were about 120; it was not proposed to compensate the whole of those, but only those who were in good practice.

MR. KEOGH said, that whatever might have been the preconceived opinions of gentlemen with respect to these tribunals, they must have listened with satisfaction to the speech of the hon. and learned Gentleman who had just sat down (Mr. Malins), because, though they might have been accustomed to think that the ecclesiastical courts were not the least expensive or cumbrous in the country, they had the assurance of the hon. and learned Gentleman that they were in every respect the most valuable courts that human ingenuity could devise, and that, amid their numerous merits—all of which he had not time in his short speech to enumerate—the most remarkable was that they cost the country scarcely anything. Everything that could be desired was, according to his hon. and learned Friend, to be found in Doctors' Commons, and the only regret was that the establishments there were not extensive enough, and the jurisdiction of the courts not sufficiently enlarged. All that his hon. and learned Friend seemed to think necessary for the perfection of Doctors' Commons was an increase of the establishments and an extension of the jurisdiction; and, holding this opinion, he was, of course, opposed to the Bill now before the House. He (Mr. Keogh) however, believed that notwithstanding all that had fallen from the hon. and learned Member for Wallingford, the public were right in the view which they had long since taken of these courts, and of the course that ought to be pursued with regard to them—that was, that they were an abomination which ought to be instantly swept away. The argument of the right hon. Gentleman the Member for the University of Dublin (Mr. Napier)—"why propose this partial reform, when you leave behind such great abuses."—was the old argument used against every reform that had ever been brought forward. The right hon. Gentleman had asked, "Why don't you deal with the matrimonial jurisdiction? Why don't you deal with the Church discipline question?" Now he recollected that in the year 1850 he himself had introduced a Bill for the reform of the ecclesiastical courts in Ireland, which was subsequently referred to the consideration of a Select Committee of which the right hon. Gentleman was a Member; but so far was he from taking the view of the question which he put forward on the present occasion, that the right hon. Gentleman had actually voted against almost every reform which was proposed in that Committee. Great injustice had been done to the proposal of his hon. and learned Friend the Solicitor General. As far, however, as he understood, that proposal was simply this—to transfer to a court in connection with and forming a part of the Court of Chancery, and therefore having all the powers of administration and construction that were vested in the Court of Chancery, the jurisdiction of the Ecclesiastical Courts. The hon. and learned Member for Wallingford (Mr. Malins) had, indeed, told the House that these courts were inexpensive, and their form of procedure very rapid. All he could say in reply was, that a Committee, on which the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn), and the right hon. Gentleman the Member for the University of Dublin (Mr. Napier) had sat, in 1850, had come to the most opposite conclusion. The House might rest assured that the only possible way of reforming these courts was to copy the example set in Scotland some forty years ago, and sweep them away altogether and transfer their jurisdiction to the ordinary tribunals of the country. It was said that these courts entailed no expense on the country; but it was the opinion of a Committee that sat on the subject, that the expenses of the Ecclesiastical Courts in Ireland—and they were not more expensive than the same courts in England—reached an amount out of all proportion to the property involved. Having such feelings on the subject, it was, therefore, a matter of the greatest satisfaction to him to be able to state that on the very first day after the Easter recess he would be able to lay upon the table a Bill proposing to do for the Irish courts what the Bill of his learned Friend proposed to do for England; and as for the question which had been addressed to his hon. and learned Friend, why have you not prepared a Bill with reference to the matrimonial jurisdiction and with reference to Church discipline? he was able to state that on the first subject his hon. Friend had already prepared a Bill; and with regard to the second a Bill had also been prepared, which, however, had not as yet received the sanction of the Cabinet.

MR. ROBERT PHILLIMORE said, he was convinced of the necessity of severing the spiritual from the civil jurisdiction of these tribunals; but he would reserve his observations on the details of the measure before the House for the Committee. It must be remembered, however, that there really was an ecclesiastical jurisdiction properly so called, of these courts, which it was important to ameliorate and preserve. The right hon. Gentleman (Mr. Napier) asked why the Government did not deal with that jurisdiction and institute a proper appellate court in cases of ecclesiastical offences? But it would be found that a more difficult problem could not be proposed to Parliament. Hon. Gentlemen should bear in mind the difficulties of this question, as to the reform of the civil jurisdiction of these courts, and that this was the forty-fourth year since the first attempt was made to reform the testamentary courts by Lord Stowell in 1812, and that after that no attempt was made until Lord Grey's Government. Mr. Phillimore then enumerated the various Bills brought in by successive Governments up to the present time. He thought, however, that the Solicitor General, in attributing the opposition to any reform solely to the pertinacity of those who had vested interests in these courts, had given a most inadequate cause for such a continuing effect. With regard to the profession connected with the ecclesiastical courts in London, he would challenge contradiction when he said, that all the reports as well as all the evidence that had been taken on the subject had borne unvarying testimony to the great ability with which all persons connected with them had discharged their duties. The Attorney General for Ireland (Mr. Keogh) had spoken of the enormous expenses of these courts. He (Dr. Phillimore) could not give an opinion as to what these expenses might be in Ireland, but in England the fees would bear comparison with those of the common law courts and the courts of equity, and he recollected that in the Braintree case, the expense of the application for a prohibition had cost twice as much as both in the Queen's Bench and the Exchequer Chamber, as it had cost in the Ecclesiastical Court. He thought that the compensation proposed to be given to those who would be injured by this act would afford those parties no good ground for complaint, seeing that it was the same in principle, though less in degree, as that which had been awarded by Parliament in the case of the reforms of the Common Law and of Chancery, and of the Consistorial Courts of Scotland; as far as he himself was concerned, he might be permitted to say that, his first speech in this House had been to declare his earnest readiness to reform the abuses of the Ecclesiastical Courts, and that during the short time in which he had enjoyed the honour of a seat in this House, that he had, by the indulgence of the House, been enabled to carry two measures through this House, one in the last Session for introducing *vivâ voce* evidence into the Ecclesiastical Courts, which had become law; another for abolishing their jurisdiction in suits for defamation, which he hoped was about to become law. He should certainly vote for the first reading of the Bill committing himself to this principle only—that it was high time that the House of Commons, acting upon its resolution so often expressed, should take away the civil jurisdiction from the spiritual courts, and that it was an anomaly not justified by reason or practice, or the state of religion, or the state of feeling in this country, to continue to the archbishops and bishops' courts the power of dealing with the administration of intestates' effects and testaments of persons of all religions and classes in this country.

SIR JOHN PAKINGTON expressed his disappointment at being obliged to infer, from what had passed that night, that the Government intended to deal with only one branch of the important question of the reform of the ecclesiastical courts. The Attorney General for Ireland (Mr. Keogh) had misconceived the observation of the right hon. Gentleman the Member of Dublin University, when he imputed to him a sentiment of opposition to the plan of the Government. The right hon. Gentleman (Mr. Napier) merely expressed his regret, which was perfectly justified, that the Government had not availed themselves of that opportunity of settling the questions of church discipline and matrimonial jurisdiction simultaneously with that relating to testamentary matters. If the latter question were adjusted separately as now proposed, the two other branches of ecclesiastical jurisdiction, it was to be feared, would be left in a very unsatisfactory state. The Lord Chancellor, in the other House, in withdrawing the Bill of last Session on this subject, intimated that the Government would, during the recess, consider it, with a view to legislation on the whole subject. This was not a party question, but one on the necessity of settling which both sides of the House concurred; and it was therefore most desirable that the Government should grapple with it in all its bearings.

MR. HADFIELD thought the country much indebted to the Solicitor General for introducing this measure, as the improvement of testamentary jurisdiction was one of the most urgent of law reforms. The country now obtained a revenue of about 3,000,000*l.* annually from wills and intestacies, and, therefore, the legal processes incident to the distribution of property ought to be facilitated and cheapened as much as possible. Some doubt had been intimated whether the Bill would be applicable to Scotland; but he was glad to hear that it was intended to extend it to that country, where it was quite as much wanted as it was in England.

MR. BOWYER said, he differed from many of the opinions which had been expressed, but he thought the measure contained many valuable provisions; it would very much improve the law and simplify in a great degree the administration of justice in testamentary matters. But he thought some further simplification was requisite. He thought a separate exclusive court and jurisdiction for testamentary matters was unnecessary. In his opinion wills ought to be dealt with in the same manner as deeds and other instruments *inter vivos.* The Solicitor General proposed that there should be one branch of the Court of Chancery exclusively for probate of wills, but this must lead to the same inconvenience as if there were two separate and distinct courts, because that court would not be able to entertain questions relating to the construction of wills, which must be referred to the ordinary tribunals of the country; so that there would still be two separate courts having jurisdiction over these matters. The recommendations of the Real Property Commissioners avoided this difficulty by maintaining the principle which he now contended for—that the administration of wills did not differ in any essential respect from that of deeds, and should be dealt with by the same jurisdiction. The question of probate had not been grappled with, and was deserving the attention of his hon. and learned Friend. If probate was not necessary for real property, why should it be required for personal property? As for questions relating to capacity and the construction of wills, he regarded a separate and peculiar jurisdiction as wholly unnecessary for their decision. So also with questions of intestacy. The best plan to adopt would be to get rid of separate testamentary jurisdiction altogether, and allow these questions to be left to the ordinary court of law, to be decided in the ordinary course of the administration of justice. That was the course pursued with regard to wills of real estate, and it was supported by the practice of every other country in Europe, and by the doctrine of the civil law.

The LORD ADVOCATE was ready to admit that uniformity of law between England and Scotland was a very desirable object, but apprehended that its attainment would be a matter of considerable difficulty. The important question of allowing probate in England to run in Scotland and confirmation in Scotland to suffice for England which was involved in the extension of this Bill to Scotland, would require very great consideration. It must be a reciprocal right, and great care would also have to be taken in adjusting the jurisdictions of the two countries on a fair and equal basis.

After a few words in reply from the SOLICITOR GENERAL,

Leave *given.*

Bill *ordered* to be brought in by Mr. SOLICITOR GENERAL, Sir GEORGE GREY, and Mr. ATTORNEY GENERAL.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

The House was adjourned at half after Twelve o'clock till *Monday* 16th April.

HOUSE OF LORDS,

Monday, April 2, 1855.

Their Lordships met; and having gone through the business on the Paper,

House adjourned till To-morrow.

HOUSE OF LORDS,

Tuesday, April 3, 1855.

Their Lordships met; and having gone through the business on the Paper,

House adjourned to *Monday,* the 16th instant.

HOUSE OF LORDS,

Monday, April 16, 1855.

MINUTES.] *Sat First in Parliament.*—The Lord Ravensworth after the Death of his Father.
PUBLIC BILLS.—2ª Charitable Trusts (1855).
Reported—Dean Forest, &c.

CHARITABLE TRUSTS (1855) BILL.

Order of the Day for the Second Reading read.

THE LORD CHANCELLOR, in moving the second reading of the Bill, said, it would be in the recollection of their Lordships that two years ago a Bill was passed for the purpose of constituting a Board, and that certain powers were given to the Commissioners for the purpose of superintending and regulating the charities of the kingdom. Under that Act the Board consisted of a permanent Chief Commissioner, two other Commissioners—one permanent, and one appointed only for four years—two inspectors, and a secretary. There was also to be at the head of the Board a functionary who was not paid. The Board was constituted soon after the close of

Session 1853. Unfortunately for the interests of the public, the temporary member of the Board, a gentleman of considerable experience in these matters—Mr. Jones—had since died, and it was necessary to fill up the vacancy. The first object of this Bill would therefore be to give powers for the appointment of a new permanent Commissioner, because the business of the Commission had been found to be so great, that it would be impossible for the Government to get any competent person to accept the office for a period of merely two years from the present time. He had seen it stated in the public papers, that the Board had done nothing; but he could not admit that to be a fair representation of the fact. They had not done as much as could be wished, because they had not the powers which he was going to ask should be conferred by the present Bill; but they had done a great deal, as was evident from the Report, which had been some time in their Lordships' hands. They were only appointed in the autumn of 1853, and during the year 1854 they had received 1,100 applications for advice from persons connected with the administration of charities. In questions of a minor nature and involving matters of small pecuniary amount, the great object was to have the funds administered with tolerable discretion, if not in strict conformity with the trusts; and for that reason a clause was introduced into the Bill of 1853, by which trustees, doubting how they should administer charities, could ask the advice of the Commissioners, and, acting upon that advice—which in ninety-nine cases out of every hundred was not only discreet, but in conformity with the trusts—they were indemnified. That most beneficial and important power had been very largely exercised. Another power, which had also been exercised to a very considerable extent, and was also of a very useful character, was that which enabled the Board to give authority to trustees to lease land, not only on fair leases, but on building and mining leases, and in some cases even to alienate them. Many charities had been inquired into, and numerous had been the applications to the Board for permission to institute proceedings where abuses existed, which, accordingly as they thought themselves warranted, the Commissioners had either sanctioned or refused. There were a great many other minor matters in which the Commissioners had acted, and upon which they observed in their Report. The very useful power which enabled the Commissioners to call for distinct accounts of charities had not been complied with by anything like the whole of the charitable trusts of the kingdom. They had received returns only from about 10,000 out of 25,000 trusts, and it was obviously necessary that some legislative interference should take place in that matter. The Board, to a certain extent, had been efficient, and with more extensive powers could be rendered far more efficient. In the first instance, it was proposed by this Bill to sanction the appointment of a third permanent, instead of the late temporary, Commissioner, because the business was found to be more than had been contemplated, and no person who was competent would accept the office, to be turned out of it in a very short period. In the progress of the working of the Act, the Commissioners had discovered a number of minute matters, with respect to which they suggested that alterations would be expedient. They were of too trifling a nature to make it necessary for him to enter into details, and he would therefore confine himself to the more prominent alterations which he proposed. By the Act of 1853 the Commissioners could only recommend and authorise trustees to appeal either to the Court of Chancery or some local court for the purpose of doing certain acts, such as appointing new trustees or settling schemes for the administration of the Charity; but it was found that, in matters of small amount, the sanctioning an appeal to a Court of Justice was really refusing the trustees what they wanted, because they allowed the matter to drop rather than be involved in expense, vexation, and delay. In by far the larger number of cases which the Commissioners had sanctioned no application had been made, and, to obviate that difficulty, power was given by this Bill to the Commissioners to do the acts themselves, subject to an appeal to the Court of Chancery, in a summary way, if what they did were not satisfactory to the parties. Another case in which the Commissioners found they had no authority, and in which it would be of great advantage to the public if authority were given them, was that of charities appropriated to particular parishes, which parishes were divided; and the question was then raised how such charities were to be appropriated. This Bill would give the Commissioners power to apportion the parochial charities, subject, as in the other case, to an appeal to the Court of Chancery if their apportionment were disapproved. The Commissioners found that it would be in many cases a great saving of expense, if the legal estate, as lawyers called it, was vested in an official person; and this Bill would give facilities for vesting lands and other property in an official trustee, the management of the charity however would be left entirely in the hands of the previous trustees. The Act of 1853 was deficient in reference to enabling parties to make exchanges or partitions, and by this Bill that defect would be remedied. There was no power under the former Act of taxing costs, and it was proposed to enable that to be done by reference to a taxing Master of the Court of Chancery. In cases where Commissioners called for accounts under the authority either of this or the former Act, and their request was disobeyed, it was proposed to treat the default as a contempt of the Court of Chancery, as the most efficient means of compelling parties to comply with what the law enjoined them to do. The Bill also pointed out generally what were the accounts which the Commissioners from time to time were to call upon these parties to render, leaving them to enter into the details hereafter. This was the outline of the measure. There were a great number of smaller clauses, which it would be idle and useless to detail at any time, still less when there was so thin an attendance of their Lordships. There was, however, one matter of a more substantial nature. Under the Act of 1853, it was provided that the Commissioners should not, for two years after the passing of the Act, or from the end of the present Session of Parliament, interfere with Roman Catholic charities; it was now necessary to deal with that subject, which was not without difficulties. At first he had thought it better to deal with it in a separate Bill, but, upon consideration, he was inclined to make it a part of this measure. There was a difficulty in dealing with the subject, and the difficulty arose in this way. For a century and a half, charities for the benefit of Roman Catholics—for instance, for schools and for the maintenance of priests—had existed, though at the time they were constituted they were illegal; and in one sense they were, therefore, not constituted at all. In order to preserve the property appropriated to the support of these charities, a conveyance was made of it to secret trustees, who applied it to the purposes intended by the founders of the charities. These charities had existed illegally, for, as he had stated, a century and a half to the present time. With regard to a large portion of these charities—those which referred to the maintenance of Roman Catholic places of worship—if they had been constituted since the passing of the Roman Catholic Relief Act, they would have been perfectly legal. He therefore saw not the least difficulty in dealing with them, any more than with property connected with Dissenters' chapels; the trust for which had also been constituted at a time when those purposes were illegal, Parliament had dealt with them by enacting, that if the chapels had been used for the purpose stated for twenty-five years no inquiry should take place; and that as the purpose had become legal, the trusts should continue. He saw no difficulty in dealing with the Roman Catholic chapels in the same manner; that was to say, that the trusts relating to anything now lawful, instead of being administered secretly, should be permitted to be exercised openly. But it could not be concealed that many of those secret trusts for Roman Catholic charities were now illegal, and came within the definition of what used to be called "superstitious uses," and which certainly could not be constituted at the present time. He had consulted with Roman Catholics, in order to ascertain what were their sentiments on the subject; and he thought that among rational Roman Catholics there would be no objection to the mode of dealing he proposed. There was no doubt that where the trust was made up of purposes partly legal and partly illegal, the whole of it would be dealt with, and that portion of it which was illegal would be considered as though an information had been filed by the Attorney General; but with regard to those Roman Catholic charities which were wholly illegal, he proposed to exempt them from the operation of the powers of the Commissioners, in order not to allow them to be interfered with, except by the Attorney General. These additional clauses he proposed to print and submit to the consideration of the House before he asked their Lordships to go into Committee on the Bill.

Moved, That the Bill be now read 2^a.

LORD ST. LEONARDS said, the Bill was important, as it altered an Act which had been very carefully considered in Select Committee, and he thought that it should undergo a similar ordeal. He was not disposed to resist the Bill; on the contrary, he was inclined to think that in a great degree it was proper; but it required full consideration, especially the religious portion of it, which was one of great difficulty. It was now proposed to create a third paid Commissioner. Care must be taken lest a Board constituted in ease of the subject did not become so cumbrous and costly that it would be a relief to remit the suitors to the Court of Chancery, from which this Act had taken them. He should move that the Bill be referred to a Select Committee.

Earl GRANVILLE was glad to hear that the noble and learned Lord did not object to the second reading of the Bill, and could assure him that there would be no objection to the course proposed of referring the Bill to a Select Committee.

Motion *agreed to;* Bill read 2ª accordingly.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, April 16, 1855.

Minutes.] New Members Sworn.—For Kilmarnock, Right Hon. Edward Pleydell Bouverie; for Lewes, Hon. Henry Bouverie William Brand; for Gloucester, William Philip Price, esq.
Public Bills.—1° Court of Session (Scotland); Testamentary Jurisdiction.
2° Metropolis Local Management; Public Libraries and Museums (Ireland).

METROPOLIS LOCAL MANAGEMENT BILL.

Order for Second Reading read.

Mr. MACKINNON said, he wished to know whether the right hon. Baronet (Sir B. Hall) proposed to make any alteration with respect to Clause 103. He did not concur in the principle of vesting the whole power in vestries. There were also certain other clauses in the Bill which had reference to the power of raising money which required careful consideration.

Mr. W. WILLIAMS said, he thought there could be no question that great credit was due to the right hon. Gentleman the Member for Marylebone, for the labour he had bestowed upon the Bill, or that some measure of a similar character, though not precisely like that before the House, was desired by the whole of the inhabitants of the metropolis. For his own part, he considered that what was wanted was a Bill by which the existing Parliamentary boroughs, including Greenwich and the new borough, proposed in Lord John Russell's late Reform Bill, to be formed out of Kensington and Chelsea —in all, nine boroughs, should be incorporated. He thought that there ought also to be one central body, which he would make a very important one, and at the head of which he would place the Lord Mayor. The Bill of the right hon. Baronet did contain a provision similar to this, and he regarded it as a very valuable proposal. If the metropolis were divided into nine municipal corporations instead of thirty-six districts, all those public works which were to be executed by the local Government would be carried on with much greater harmony, economy, and effect, than would be the case under the present Bill. Nevertheless, the Bill of the right hon. Gentleman, as it stood, was one calculated to confer great benefit upon the metropolis. Before, however, they were called upon to support the second reading, he thought that they ought to have more clearly defined the exact powers which it was proposed to give the central body under schedule D. He considered that the whole sewerage of the metropolis ought to be placed in that schedule in the same manner as it had been placed in the hands of the Metropolitan Commissioners since 1848. If that were done, then the central body ought to have sufficient borrowing powers to enable them to carry out a complete system of drainage, and the money so raised ought to be repaid in, say, fifty yearly instalments, for he did not think that the cost of the very expensive works that would be necessary ought to be thrown entirely upon the present owners of property. He did not think the powers given by the Bill to vestries were sufficiently defined. He objected also to the clause by which a 40*l.* qualification was required of members of the local boards. In some parts of the metropolis a 25*l.* house was quite equal to one of 40*l.* in other districts, and he was afraid the effect of the 40*l.* clause would be greatly to limit the inhabitants in their choice of men to fill the office. He knew that houses in several parts of the metropolis were depreciated greatly in value—to the extent of twenty-five or thirty per cent—in consequence of the defective state of the drainage. He would not offer any opposition to the second reading of the Bill, and was ready to admit that the great body of the inhabitants of the metropolis were thankful to the right hon. Baronet for the elaborate pains he had bestowed on this measure.

Mr. APSLEY PELLATT said, he must appeal to the right hon. Baronet not to proceed with the second reading of the Bill in so thin a House, or, at all events, to refer the Bill, if read a second time, to a Select Committee. The inhabitants of Southwark, in a recent meeting, had expressed their opinion that the borough ought rather to be restored to its ancient influential position in the metropolis than cut up into a number of small districts. They thought that there ought to be two central bodies to manage the sewerage of London—one for the north and the other for the south of the river. At present the inhabitants of Southwark had some semblance of municipal institutions, and they had certainly no desire to part with their high bailiff. It was true the Bill would put an end to a number of self-elected coteries; but if Hobhouse's Act were adopted it would destroy all the open vestries, which were the safeguard of the country, so far as public discussion was concerned.

Mr. T. DUNCOMBE said, he thought the thinness of the House was easily accounted for. It was not every day that the Emperor and Empress of the French did us the honour to pay us a visit, and he only wished that the metropolis, both as regarded its buildings, its paving, and its drainage, was in a fitter state to receive those distinguished personages. At the same time he thought that if they had had an Act like this Bill in operation, they would have been able to do much. The hon. Member for Lambeth (Mr. W. Williams) had expressed an opinion that it would be well to amalgamate the City of London with the rest of the metropolis; and, perhaps, it might be right to ask when they were to have the promised Corporation Reform Bill? Other corporations had been reformed long ago, and he wondered whether they would be able to get through Temple Bar this year? With respect to the Bill now before them, it appeared to contain provisions of a very despotic and arbitrary kind. The only thing that would make them tolerable was, that the powers proposed to be given would be administered upon the representative principle. In some of the parishes—St. Giles's and St. George's, Hanover Square, for instance—they would not give a farthing for the Bill, unless it adopted Hobhouse's Act. On the other hand, if they went a little further east, they would find other parishes—such as Clerkenwell, St. Lukes, and Islington, which rather objected to that Act. Nor was it hard to give a reason for this difference of opinion. Under Hobhouse's Act the qualification was 40*l.*, whereas in Islington it was 25*l.*, and in St. Luke's and Clerkenwell only 20*l.* Something should be done to meet this objection; in other respects he believed the Bill would give universal satisfaction.

Mr. BUTLER said, that the Bill had been attentively considered by his constituents, and it was found that some of its clauses would not work well for the Tower Hamlets. He thought, however, that when some alterations were made in the Bill, which might be done in Committee, it might be passed, and he was willing to allow the second reading to be taken.

Mr. BRADY said, he believed that the measure which had been introduced to the House would act beneficially in a sanitary point of view for the metropolis. He hoped the hon. Member for Southwark (Mr. A. Pellatt) would not press his objection, for he trusted that the Bill would not be delayed. Nothing could be worse than the state of the south portion of the metropolis.

Sir DE LACY EVANS said, he begged to thank the right hon. Gentleman for the Bill, which he thought, with some few alterations, would be a most useful measure.

Mr. LABOUCHERE said, he should be very sorry if the Bill were referred to a Select Committee. The practical result of such a course would be, that the House would hear no more of it that Session, and they would be without any legislation for the improvement of the metropolis. It was not likely that this Session would be productive of many measures of improvement and amelioration; but he trusted they should have to boast that they had passed such a Bill as the present very judicious measure for the metropolis; and if they did so, they would effect a public object of no ordinary magnitude and value. It had been asked by the hon. Member for Finsbury (Mr. T. Duncombe) whether it was the intention of the Government to propose any measure for the reform of the City Corporation during the present Session. He thought it most desirable, if such a Bill were to be proposed, that it should be introduced, and be before the House during the discussion of the Bill for the local Government of the metropolis at large, as there were many points which would of necessity be common to both the measures. He did not believe that they should be putting the Government of the metropolis on a satisfactory footing, if they did not at the same time deal with the City of London, properly so called. He could not blame the Government for having given precedence to the larger measure, but he hoped that no time would be lost in bringing forward the measure referring to the City of London. He entirely agreed with the principle of the Bill now before the House, though some of the details might require further consideration in Committee. He was not sure whether it would not be necessary to place some check on the power of these municipal bodies to tax the ratepayers, and also on their power of mortgaging the rates. But these were matters of detail, which would be best considered in Committee.

Sir GEORGE GREY: It is, Sir, the intention of Her Majesty's Government to propose a Bill to Parliament during the present Session, for the reform of the corporation of the City of London. The public and the Government are, I am sure, deeply indebted to my right hon. Friend (Mr. Labouchere) and his colleagues, for the care and attention which they bestowed last year upon this matter, as Members of the Commission of inquiry. A Bill founded on their recommendation has been prepared; but it has been thought better that the Bill of my right hon. Friend (Sir B. Hall) should take precedence of it. If the House agrees to this Bill, we hope at an early period to have an opportunity of introducing the Bill for the reform of the corporation of the City of London.

Sir BENJAMIN HALL said, that when he introduced this Bill, a month ago, he had stated that he was quite aware of the magnitude of the subject, and of the difficulties by which it was surrounded. But he was happy to find, from the present discussion, that the objections raised to the measure referred only to its details, and that its general principle had been approved by his Colleagues in the representation of the metropolis. Some hon. Members had been good enough to express their great approval of the manner in which he had framed and conducted the Bill. He had certainly taken much pains with the measure, which was aided materially by the very able report made by the Commissioners of Inquiry into the Corporation of London. He thought it much better to take their suggestions as the basis of his Bill. The hon. Member for Rye (Mr. Mackinnon) had objected to the vestry being the body in whom was vested the power of administering to the local affairs of the parish. Some gentlemen had a certain horror of the word "vestry," and therefore he called them "the local boards." They were in reality local boards, having the whole management of local affairs; and the business of the vestry would be a very small part of the business which they would have to transact. But if they were to have a local board separate from the vestry, that board would have to be elected by precisely the same mode of election as the vestry was elected; therefore it was much better to have only one body to administer the local affairs in each large parish. In smaller parishes, which were already formed into unions, the vestries would be elected under the same provisions as in the larger parishes, and from those vestries would be elected members to sit at the local board of the district, which would have the management of the local affairs of that union, in the same manner as single parishes not in union. It was not his intention to deviate at all from that proposition; the local board would be elected as proposed; and that board would have the management of the lighting, cleansing, and sewerage of the district. The hon. Member for Lambeth (Mr. W. Williams) had said that his constituents, and he believed all the metropolis with the exception of Marylebone, were in favour of municipal corporations. He differed entirely from his hon. Friend. In 1851 a deputation from the metropolitan boroughs waited upon the Secretary of State, who stated that if he could be satisfied that there was a general desire on the part of the inhabitants of those boroughs in favour of corporations, he would be glad to pay every attention to any memorials which might exhibit that feeling; and from that time to this there had been no expression of opinion on the subject. Generally speaking, he believed the ratepayers did not desire to have all the paraphernalia and the expense connected with corporations. One of the principles of this Bill was, that there should be a representative body to manage the sewerage. That had been hitherto done by a central body, created by the Crown; all these bodies had failed in their management, and had only succeeded in adding to the debt. They could manage the great arterial drains well enough; but the local drainage ought to be placed under local authorities, as in Liverpool, Manchester, Leeds, and other large towns. The Bill fully provided for the borrowing and repayment of money for the improvement of the metropolis. It was said that the landlord should pay the sewer rate. He did so at present, unless it was expressly provided otherwise by agreement. The Bill proposed that the landlord should continue liable; it left him in precisely the same position as he was in at present. The objection which was entertained against Hobhouse's Act in some parishes would be remedied by a short Bill to be brought in to amend that Act. In Marylebone, for instance, only one polling-place was provided for 20,000 parochial electors. This was a point in which alteration was required; and there were other matters which would be included in the amending Bill if Members desired it. He objected to the proposal of the hon. Member for Southwark (Mr. Pellatt), to refer the Bill to a Select Committee. It was a measure which required to be considered in Committee of the whole House. It was said that the borough of Southwark had its own officers, who managed their own affairs, and that they did not desire the machinery of this Bill. He (Sir B. Hall) must say, from his experience at the Board of Health, that no part of the metropolis was in so bad a state as some portions of the borough of Southwark. In the four weeks ending the 9th of September, 1854, no less than 1,010 persons died from cholera, in consequence, to a great extent, of the manner in which that part of the metropolis was kept, and in consequence of those offensive trades and those nuisances of which the hon. Member was the champion in that House. He hoped to mitigate those evils before the Session closed. It was further objected, that the Bill conferred arbitrary powers. These were only the same powers which were possessed by the City Commissioners of Sewers; the provision had been copied from that Act. The hon. Member for the Tower Hamlets (Mr. Butler) objected that 40*l.* was too high a qualification for a member of the local board; but in some parts of the Tower Hamlets the qualification of those who voted for vestrymen was almost as high as that. He hoped that the House would pass this Bill, and that in doing so they would be laying the foundation for a great and permanent improvement of the metropolis.

Bill read 2°.

SIR BENJAMIN HALL: I propose to take the Committee on this day fortnight.

SUPPLY—CIVIL SERVICE ESTIMATES.

Order for Committee read.

SIR GEORGE GREY moved that the hon. Henry Fitzroy take the Chair in place of the hon. Edward Pleydell Bouverie, who has accepted the office of Vice President of the Board of Trade.

Motion *agreed to.*

House in Committee of Supply.

(1.) Motion made, and Question proposed,

"That a sum, not exceeding 154,952*l.*, be granted to Her Majesty, to defray, to the 31st day of March, 1856, the Expense of Maintenance and Repairs of Royal Palaces and Public Buildings."

MR. W. WILLIAMS said, he rose to protest against these Estimates being proceeded with in such a thin House, and without due notice having been given that they were to come on that night. He felt so strongly on the subject that he should move that the Chairman report progress. Those Estimates had gone on increasing year after year to a most enormous extent. Under the Tory Administration of the Duke of Wellington they only amounted to 1,900,000*l.*, while last year they reached to 5,290,000*l.* It was, therefore, most unfair to attempt to smuggle these Estimates through the Committee, involving, as they did, so large an amount of the public money. There were many items in the Vote highly objectionable, and which called loudly for explanation—thus, he found a sum of 12,000*l.* inserted on account of the Palace of Hampton Court—a palace which, in all probability, Her Majesty had never even seen, but which was kept up for the benefit of the pauper members of the aristocracy. Upon that palace and park, and the adjoining park of Bushey, a sum of 200,000*l.* had been expended since the accession of Her Majesty to the Throne. Again, there was a sum of 1,665*l.* demanded for the repairs of the Duke of Cambridge's apartments in St. James's Palace. Now, he could not see why that should be. Parliament had voted an annual grant of 12,000*l.* for the maintenance of the Royal Duke, besides which he was colonel of the Coldstream Guards, and enjoyed other emoluments. The late Duke, his Royal father, had provided himself with a residence, and had never come to Parliament for a single shilling on that account. Why, then, should the present Duke be differently treated? The late Chancellor of the Exchequer had given a promise that the expenditure upon the different public parks and palaces would be annually brought under the revision of Parliament. Now, the present Estimates were brought forward in a manner that directly violated the compact thus entered into. The fact was, everything had been placed before the House in a state of the utmost confusion, and it was quite apparent that the right hon. Baronet the Chief Commissioner of Works was enabled to expend vast sums of money without any accountability whatever. He regretted very much that he was precluded by the forms of the House from moving the postponement of the Committee altogether. What he would do, therefore, was to move that the Chairman report progress.

Mr. WILSON said, he hoped his hon. Friend would withdraw his Amendment, for full and due notice had been given before the recess of the intention of the Government to proceed with these Estimates on that evening. His hon. Friend was of opinion that the proper course would be to refer these Estimates to a Select Committee, but that would be a most inconvenient proceeding, and, if resorted to at all, ought to be adopted at a very early period of the Session, when a Committee would have full time for inquiring into the subject. If a Committee were now appointed to inquire into these Estimates they could not possibly report until the close of the Session. He must remind his hon. Friend that, in consequence of the inquiries that had been made on the subject of the Estimates within the last few years, many charges which used to fall upon the Consolidated Fund were now voted in the Estimates. The Fees of Courts and other public establishments were now paid directly into the Exchequer, and the expenses of those establishments were defrayed by annual Votes, in order that they might come under the revision of Parliament. The consequent increase of the Estimates had been enormous, and he believed the increase in this particular department of the Estimates for the present year was not less than 1,000,000*l.*, owing to the charges which had been removed from the Consolidated Fund and placed upon the Estimates.

Mr. SPOONER said, he fully concurred in the representation of the hon. Member for Lambeth, that if they proceeded that evening, in so thin a House, to vote these Estimates they would be voting away the public money without proper consideration. It was only on Thursday last that they had been placed in the hands of Members, while, in former years, the custom had been to have them printed and delivered to Members before breaking up for the Easter recess.

Mr. MACARTNEY said, he also agreed that it would be quite improper to proceed with the Committee on that the first night of their meeting after the recess. For his part, he believed it would be attended with a great saving of time and expense, if, at the commencement of every Session, a Standing Committee were appointed to consider these Estimates previous to their coming before the House. He certainly would support the Motion for reporting progress.

Sir WILLIAM MOLESWORTH said, he was most anxious to give every explanation in his power with regard to the Vote. With respect to the palaces entirely in the occupation of Her Majesty, those partly in her occupation, and those not in her occupation, there was a diminution of expenditure in the Estimates of the present year as compared with last year. There was a diminution of 1,312*l.* in the expenditure on the palaces in the occupation of Her Majesty. There was an item of 750*l.* for a new carriage entrance for the convenience of Her Majesty from the end of Grosvenor Place. There was also an item of 1,000*l.* for gas meters and additional mains in connection with the new buildings at Buckingham Palace. There was a sum of 5,558*l.* for Windsor Castle, the greater part of which was for ordinary repairs, and considering the large area covered by that building, he did not think the sum was a large one. There was a diminution of 595*l.* in the estimate for St. James's. His hon. Friend (Mr. W. Williams) said that there was an expenditure of 1,665*l.* for the repair of the Duke of Cambridge's residence. That was a mistake. The sum required for the repairs of his Royal Highness's residence was only 75*l.* The Estimate for Hampton Court was not 12,000*l.* but 8,000*l.*, of which 2,800*l.* was for supplying the palace with water in case of fire. Hampton Court was a handsome palace, and it should not be allowed to fall into decay.

Mr. MACARTNEY said, he wished to call attention to a subject which had created much inconvenience in the neighbourhood of Pimlico. He referred to the present formation of the road from Buckingham Gate. Last year, when the Vote was taken in connection with this subject, it was stated that the street was to run directly leading to Birdcage Walk, and was to pass through the Gun Tavern. The people of Pimlico were much annoyed at seeing a different kind of road formed. He wished to know whether any deviation from the original plan laid down had been ordered.

Sir WILLIAM MOLESWORTH said, it was the intention of the Government to carry on the street in a straight line through the Gun Tavern. They could not, however, legally obtain possession of the building till next year. In the meantime as much of the road as could be proceeded with had been formed, so as to lose as little time as possible.

Mr. AYSHFORD WISE said, he wished to call the attention of the Committee to the item of furniture for the public offices. In five years the expense of furniture had amounted to 107,634*l.*—a sum which he thought enormous for such a purpose. He had heard of an anecdote connected with a piece of furniture in one of those offices that reminded him very much of what had been going on lately at Balaklava. One of the officials wanted a bookcase that had been put away in some department or other, and in order to get it a requisition was necessary to bring it from the office in which it was placed; a second requisition was wanted for a porter, a third requisition for a joiner, a fourth for a person to clean it, and a fifth was required for some one to put up the books. With regard to the accounts generally, he might state that the Auditors in their last Report complained that they were kept in such a manner that a faithful and complete comparison could not be instituted between the expenditure and the Votes of Parliament. The Commissioners were required by Act of Parliament to classify the accounts and submit them to that House; but they had not the means of satisfactorily discharging their duty, for certain of the accounts, examined by a set of gentlemen called "professional examiners," attached to the Board of Works, were not properly laid before them. Now, if it were required by an Act of Parliament that certain accounts should be submitted to the Board of Audit, that House should not be satisfied with their being passed merely by professional examiners belonging to the Board of Works, whose very accounts were to be controlled.

Sir WILLIAM MOLESWORTH said, that in reference to the hon. Member's remarks relating to furniture, at the commencement of every financial year the Board of Works directed their officers to examine the different offices, and supply any deficiency in the ordinary amount of furniture. For this purpose there was an excess of 6,000*l.* over the sum required last year, a great portion of which was occasioned by furnishing the new Stationary Office and the new Record Office. But, independently of the ordinary furnishing of offices, there had been created a new Department of War, which had taken possession of the house formerly occupied by the Copyhold Commission. The expense occasioned by the new department, the necessity also of finding a new residence and furniture for the Copyhold Commission, and various other similar items had caused an expenditure of 24,842*l.* With respect to the Board of Audit, which had been referred to, he had to observe that there were certain works executed under the superintendence of the Office of Works, and for the examination of these accounts persons especially acquainted with their nature were required. The Treasury Committee appointed last year stated that those professional examiners exercised a check over the details of the accounts such as none but professional persons could supply. Their examination, therefore, to a great extent superseded the examination by the Audit Office, which, if these accounts were sent there, would only have to do the same duty over again.

Sir FRANCIS BARING said, he thought the Committee ought to feel indebted to the hon. Member for Stafford (Mr. A. Wise) for having called attention to the Report of the Commissioners of Audit, who, not for the first, but for the third time, had complained of the want of information in reference to these accounts. If Parliament required the Commissioners to perform their duty, they ought to have the means of properly discharging it. To know that the money voted was properly applied was even of more importance than cavilling about the amount to be granted. He had, on a former occasion, called the attention of the Chancellor of the Exchequer to the accounts of the Commissariat, and he was told that he need not trouble himself about them, as they would go before the auditors, who would supply all proper check. He must say, however, that he was not so well satisfied with this check, for the auditors said that the form in which certain accounts were laid before them rendered it impossible for them fairly to set the expense of the year against the Votes of the year. The result of this mode of stating the accounts, and of having balances hanging over for two or three years, or even longer, was to give a power of transferring charges from one year to another, thus leading to great insecurity and uncertainty as to the Votes which Parliament was called on to give. The point for which the Treasury contended was that, as these accounts had been audited by the officials of the department, there was no need for sending them to the Commissioners of Audit; but this was certainly not in accordance with the constitutional functions of the Commissioners of Audit, who had been appointed by Parliament to control the expenditure of money, just as the Controller of the Exchequer controlled its issue. The practice might perhaps be cheaper if it were adopted as a general principle, and if every department had auditors of its own, but that certainly was not a mode of auditing the public accounts which he should recommend the House to sanction.

MR. WILSON said, he quite agreed with the right hon. Baronet that it would be a great improvement if the same practice were adopted with regard to the Civil Service Estimates as prevailed in reference to the Army and Navy Estimates—that of closing the accounts each year, and not allowing balances to hang over from one year to another. That, however, would be impossible until an entire change took place in the principle on which these Civil Service Estimates were voted. In the first place, it would be necessary that all these Estimates should be voted by the 31st of March, and if Parliament were to continue to meet at the commencement of February, as usual, and there were a press of business, that could scarcely be done. With regard to these accounts, it must be remembered that they consisted, in a great measure, of the accounts of masons and other artificers employed by the Board of Works, which the Commissioners of Audit had neither the means nor the ability to audit. It was, therefore, more convenient that they should first be audited by professional men—servants of the board, who understood such accounts—and that the Commissioners of Audit having received their vouchers should then make a general audit.

SIR FRANCIS BARING said, the explanation of his hon. Friend was not satisfactory to him. It was quite true that this practice had gone on for some time, but the same might be said of the army accounts. He believed it to be possible, though it might be difficult, to do with these Estimates exactly what was done with respect to the Army and Navy Estimates. There were works connected with the Admiralty as large as those in the present Estimate, and there was no such difficulty as the hon. Gentleman seemed to apprehend in having them audited by the Audit Board.

SIR HENRY WILLOUGHBY said, he wished to know what were the intentions of the Government. Did they mean to give the Audit Office the go-by? There were certainly difficulties in the way, but they should have been stated when the Audit Commissioners had appealed to the Treasury. He should like to hear the opinion of the right hon. Gentleman the Chancellor of the Exchequer upon that point. No branch of the public service required the audit more than the Woods and Forests.

MR. W. WILLIAMS said, the Audit Board at present acted under the authority of several Acts of Parliament. Those Acts were of the most conflicting nature, and the heads of departments were anxious that they should be consolidated, so that they might know how to perform their duties. He wished to ask the Chancellor of the Exchequer whether he had any objection to bring in a Bill for the consolidation of the Acts?

THE CHANCELLOR OF THE EXCHEQUER said, it was an entire mistake of the hon. Baronet the Member for Evesham to suppose that the accounts of the Board of Works were not as much subject to audit as those of the Admiralty, or the Ordnance. They were thoroughly examined and passed by auditors, and went through precisely the same process as the accounts of any other public department. The only difference between the two related to a species of sub-audit which the accounts for certain works executed under the superintendence of the Board of Works now underwent. It had been found convenient in practice that the surveyors and other officers of the Board of Works should themselves examine the measurements of brickwork performed and other details connected with the labour of the artificers employed in their own department. They therefore audited this separate class of items and then sent the aggregate accounts to the Board of Audit for its examination. It might be a fair question for consideration whether this special audit should not be conducted by the Board of Audit rather than by the officers of the Board of Works; but certainly those officers possessed the knowledge which fitted them for the duty, and, moreover, they could have no interest in concealing the errors of the persons employed. However, the subject having been started, the Government would have it investigated, to ascertain whether any change in the existing practice would be advantageous. With regard to the various Acts relating to the Audit Board, our present legislation in that respect, no doubt, was not in the most satisfactory state. The subject had already been brought under the consideration of the Government, and though it would be premature now to give any distinct promise as to the introduction of a measure upon it, yet the series of Acts in question would be examined with the view of effecting an improvement or consolidation of them.

Sir HENRY WILLOUGHBY said, he was quite aware that great difficulties existed, but on the whole believed the answer of the Chancellor of the Exchequer to be very satisfactory.

Sir JOHN SHELLEY said, he wished to call the attention of the right hon. Gentleman the Commissioner of Works to the charge of 464*l.* set down in the Estimates for the repair of the stud-house and paddock in Hampton Court Park. Last year he was informed by the right hon. Gentleman, that the Vote then proposed would be the last; but to his surprise he found it again among the Votes, although it was well known that the produce of the stud of horses which were annually sold amounted to a large sum of money. What he wished to know was, whether a regular debtor and creditor account was kept of the sums so received, which, at all events, might be applied in keeping up the buildings instead of taxing the public to do so?

Sir WILLIAM MOLESWORTH said, he had nothing whatever to do with the stud, that the money required was for the repair of certain buildings at Hampton Court, and he really knew nothing of the produce of these horses alluded to by his hon. Friend.

Sir WILLIAM JOLLIFFE said, he thought an account ought to be given of the sums received for the sale of these horses; but he believed many of them were used in Her Majesty's carriages, and, as such, were the property of the Crown.

Sir JOHN SHELLEY said, the hon. Baronet had evidently misunderstood him. The horses he alluded to were regularly thorough-bred, and sold for racing purposes. The sum realised in that way was, he believed, very considerable.

Mr. W. WILLIAMS said, he would not put the Committee to the trouble of dividing, were it not a case of absolute necessity. What he desired was, that the Miscellaneous Estimates should be postponed in order that members might have an opportunity of considering them, and he also thought that the Government should supply the House with the materials requisite for instituting a comparison between the Votes for the present year and those for the past three years. They had already voted upwards of 40,000,000*l.* for the army and navy, with scarcely a single objection; and afterwards the Estimates of another department, amounting to nearly 4,000,000*l.*, were brought forward surreptitiously at midnight, and agreed to without an observation. There was a sum of 12,357*l.* in the present estimate which he wished to have explained. One item of 4062*l.* was for repairing Hampton Court Palace; and to lay down mains for the purpose of procuring water in case of fire, there was a sum of 5000*l.* additional. Then there was, for the gardens, 82*l.*; 464*l.* for the paddock, alluded to by the hon. Baronet the Member for Westminster (Sir J. Shelley); and next followed 2159*l.* for Hampton Court Great Park, and for pleasure-gardens 590*l.*, the whole making a sum of 12,357*l.* Now, he wished to know what necessity there was for laying down pipes to convey water to this old palace, built over 300 years ago, and upon which he believed as much had been unnecessarily expended as it cost Cardinal Wolsey to divert the river from its original bed in order to convey water to the palace? It was only on his return to town a day or two ago that the Miscellaneous Estimates were put into his hands. No time had been given for their examination, and he certainly did not expect that the Committee would be asked to proceed with them that night. He should, therefore, press his motion that the Chairman do now report progress.

The CHANCELLOR of the EXCHE-

QUER said, he must beg to remind the hon. Gentleman that, on the last night before the recess, he expressly stated that the House would go into Committee on these Estimates after the second reading of his hon. Friend's (Sir B. Hall's) Bill, respecting the local government of the metropolis, had been disposed of. The Estimates themselves were delivered some days ago, just as they had always been annually, and there could, therefore, be no difficulty in a gentleman of his hon. Friend's experience, in two or three hours on any morning, making himself master of the subject. Great complaints had been made of the Revenue Estimates being brought in by his hon. Friend the Secretary of the Treasury at midnight; but the fact was, that he had been compelled to do so against his own inclination, and the notices on going into Supply were so numerous, that he was prevented from giving the necessary explanation. Happily, however, there were few obstacles on that evening, and as his hon. Friend's Local Management of the Metropolis Bill was disposed of in a short time, the Government would be prepared to give any explanation that might be required. He trusted, therefore, that the Committee would at once proceed with the Votes on the paper.

Mr. FRENCH said, he considered that the explanation given by the hon. Gentleman the Secretary for the Treasury, with respect to the Estimates brought forward at midnight, was anything but satisfactory. He also wished to know from the right hon. Gentleman the Commissioner of Works, whether he had taken any measures to protect the magnificent trees in the park, at Hampton Court, from being injured or destroyed?

Sir WILLIAM MOLESWORTH said, he was informed that no injury had been done to those trees; and if any danger arose, he would take measures to protect them.

Mr. JOHN MACGREGOR said, he thought that, at a period when there was a deficiency in the revenue, and an increased expenditure, it was not decent in the right hon. Gentleman the Chancellor of the Exchequer to propose any Estimates until he stated his budget to the House. For his own part, he had seen so much carelessness and apathy displayed in voting away large sums of the public money in that House, that if his hon. Friend the Member for Lambeth divided the Committee, he would support him.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided*:—Ayes 3; Noes 126: Majority 123.

Original Question put, and *agreed to*.

(2.) 69,544*l*. Royal Parks, Palaces, and Pleasure Grounds.

Mr. W. EWART said, there was a house in Hyde Park belonging either to the Ranger or Deputy Ranger, with extensive grounds attached. He wished to know whether those grounds could not be thrown open to the public?

Sir WILLIAM MOLESWORTH said, he had no control over the matter, but he would make inquiries.

Sir GEORGE PECHELL said, he had, on former occasions, urged the right hon. Gentleman to restore the Diana fountain at the beautiful piece of water in Bushy Park; he hoped it had not escaped his attention.

Sir WILLIAM MOLESWORTH said, it had not; and a Vote for the restoration of the fountain would be found in the present Estimate.

Mr. W. WILLIAMS said, that, after the late division, he would not again divide the Committee; but he thought some items called for remark. He wished, for instance, to know whether Windsor Park cost any money to the public last year. There was no item for it in this year's or last year's Estimate, though, in the accounts of Woods and Forests, it would seem to have cost 18,000*l*.

Sir WILLIAM MOLESWORTH was understood to say that he had nothing to do with any other parks and pleasure-grounds than those mentioned in the Vote, and therefore was unable to give the information desired.

Mr. W. WILLIAMS said, that from the year ending March, 1854, there was a receipt from Crown lands of 387,000*l*., and an expenditure of 131,000*l*., and he should like to know why that Vote had not been brought under the consideration of the Committee. He hoped that there was some Member of the Government who could answer him.

Mr. WILSON said, he thought he could answer the hon. Member. The matter was under consideration last year, and in connection with the measure then brought forward the land revenues of the Crown became the subject of discussion, and the Chancellor of the Exchequer then thought that he should not be justified in altering the form that had been followed in these accounts, as the public had no interest in the property except during the life of the Sovereign, it having been exchanged for life only, in consideration of the Civil List. He could assure his hon. Friend that the Chancellor of the Exchequer had maturely considered the matter before he had come to his decision.

Mr. W. WILLIAMS said, he was of opinion that the property of the Crown, during the assignment of it in consideration of the Civil List, was as much the property of the public during the assignment as any property was, and ought to be dealt with as such. 131,000*l.* had been squandered, and there were now Votes of 69,544*l.* for these parks, besides an enormous amount for the royal palaces, although Her Majesty had a civil list of 385,000*l.* a year.

Mr. JOHN MACGREGOR said, he had no wish to limit the magnificence or convenience of the royal palaces, but if they went back to the time of the building of Versailles (Louis XIV.), they would find that three times as much had been spent in this country as in France, and the whole history of jobbing and recklessness could not equal what might be found in connection with the royal palaces.

Sir HENRY WILLOUGHBY said, he doubted whether the present was a fitting opportunity for raising questions respecting the expenditure of the Woods and Forests. He admitted that the subject was a very important one, but he thought that within the last few years there had been a great improvement in the management of these accounts by the Woods and Forests. He (Sir H. Willoughby) claimed the right of discussing every item in the Votes for the management of the Crown property which came before the House of Commons; and he hoped his hon. Friend (Mr. W. Williams) would not be daunted by the division on his Motion from inquiry into the subject if he saw fit.

Mr. W. WILLIAMS said, he only wanted to know how it was that Windsor Park was not included in the Vote. 18,000*l.* had been expended upon that Park last year, and he wished to know whether there was to be any outlay upon it in the present year? The Government had not fulfilled the engagement of the late Chancellor of the Exchequer, who promised that 6,000,000*l.*, which had formerly been spent in silence, should be brought to light, and placed under the cognisance of the House.

The CHANCELLOR of the EXCHEQUER said, that the present Government had punctually and exactly fulfilled the engagements of the late Chancellor of the Exchequer. He undertook to bring the revenue service under the cognisance of the House, and not that that expenditure should be paid into the Exchequer before any Vote should be taken in the House. It had been already stated that it was not his intention to place the expenditure of managing the land revenue of the Crown upon the Estimates, and that intention also had been adhered to. With regard to the parks, they had been originally the property of the Crown, but had been gratuitously granted by the Crown to the public for their benefit and pleasure. Windsor Park was in the occupancy of the Crown itself, and so was put upon the expenses of the land revenue. The hon. Member for Lambeth (Mr. W. Williams), had, apparently in his eye, an Act which transferred certain charges upon the Consolidated Fund, and which therefore were paid by the Exchequer without any annual Vote of that House. They were included, every one, in the Miscellaneous Estimates, which had been and would be laid on the table.

Mr. W. EWART said, he thought there should be a greater number of seats provided in the Parks. He also objected to the carrying away of quantities of gravel for the purpose of making roads, and then filling up the spaces left with filthy street sweepings, so as to create a kind of artificial swamp.

Sir WILLIAM MOLESWORTH said, that a greater number of seats should be provided, and that the taking away of the gravel should be discontinued.

Mr. MACARTNEY said, he thought that the wooden railing in Rotten Row should give place to a handsome iron one.

Sir WILLIAM MOLESWORTH said, that a Vote would be proposed this year for completing the iron railing which had been already begun in Rotten Row.

Vote *agreed to.*

(3.) 122,209*l.*, New Houses of Parliament.

Sir HENRY WILLOUGHBY said, he wished for some information as to the total amount to be required for the building. The original estimate was 750,000*l.*, and there had already been spent more than 1,700,000*l.* Three years ago he had raised the question, and Sir Charles Barry had given an approximation within 500,000*l.* He wished to know also, whether any decision had been come to as to the Commission of Sir Charles Barry, as it would cost an enormous sum if he was to be paid a per-centage on the expenditure. He believed 2,000,000*l.* at the very least would be expended, before the buildings were completed.

Sir DENHAM NORREYS said, that last year a promise had been given by the right hon. Baronet the Chief Commissioner of Works that a plan of the entire building which it was proposed to erect should be submitted to Parliament, and it was most important that that promise should be adhered to. From the nature of the new bridge which was to be constructed, it was evident that the houses at the north side of the Palace-yard would have to be purchased, and he presumed that it was proposed to erect some new buildings on that side, and if so the House ought to be informed what the nature of those buildings was. He perceived also an item for the payment of a sum of money to Mr. Cope, and he wished to know if he was the same gentleman who had painted the fresco of "the First Investiture of the Garter" in the House of Lords? because, if he were the same, that fresco appeared to him and also to others to be, in its drawing, disgraceful to the present state of art in this country, and he should be inclined to oppose any further grant for decoration to the same artist.

Sir WILLIAM MOLESWORTH said, that it was quite true that last year he had made a promise to the House that he would endeavour to obtain a statement from Sir Charles Barry of the works which he wished to execute, and of their probable cost; and he had obtained a full report on that subject. On the 31st of March, 1854, Sir Charles Barry estimated that to complete the works which had been already sanctioned would require a sum of 280,000*l.* Last year a sum of 107,000*l.* was voted, and this year 85,000*l.* was asked for, so that there would remain a sum of 88,000*l.*, which would have to be voted in following years. In addition to the works which had been already sanctioned, he had asked Sir Charles Barry to give him an estimate of all the works which he thought ought to be executed to complete the Houses of Parliament, and then he took that estimate and ascertained what was the value of the land necessary to carry out those works, and his estimate was that a further sum of about 651,000*l.* would be required. There had been expended up to March, 1854, 1,583,000*l.*, the sum voted last year was 107,000*l.*, making 1,690,000*l.*, and that with the present vote would give 1,812,000*l.* odd; but if all the views of Sir Charles Barry should be carried out 651,000*l.* more would be required, making a total of about 2,500,000*l.* With regard to those works which had been considered necessary by Sir Charles Barry, but which had not yet been sanctioned, he could only say that they were under the consideration of the Treasury. With regard to the other question of the hon. Gentleman, he had to state that the decoration of the Houses of Parliament did not come under the control of his department, but were under the superintendence of the Commissioners of Fine Arts, and therefore he could give no answer as to that matter.

Sir DENHAM NORREYS said, he thought that the right hon. baronet had promised to lay before the House the plans of Sir Charles Barry with regard to the new buildings which he proposed to erect.

Mr. MACARTNEY said, he thought that the Committee was under an obligation to the right hon. baronet for having ascertained what the ultimate cost of the buildings would be, but he hoped that the Treasury would not permit one single shilling to be expended before the plans of the new buildings proposed had been laid before the House.

Mr. W. WILLIAMS said, he wished to know if any agreement existed as to the amount of remuneration which was to be paid to Sir Charles Barry? He thought that, if the suggestions of that Gentleman were followed, the total expense of the buildings would far exceed 2,500,000*l.*

Captain SCOBELL said, he hoped that the First Commissioner of the Board of Works would keep Sir Charles Barry in subjection. The present building was, to his mind, a monument of extravagance.

Mr. BAILLIE said, he wished to enquire what was to be done with the Courts of Law? Was it intended that they should be replaced? It was impossible that they could remain in their present state, and he should like to know if the cost of their alteration or replacement was included in the expenditure now before the House?

Sir WILLIAM MOLESWORTH said, that Sir Charles Barry did propose to remove the Courts of Law, but that removal was not included in the works already sanctioned by the House, and this estimate of 650,000*l.* would not include the expense of building new Courts.

Mr. WILSON said, the Committee would probably be aware that Sir Charles Barry's commission had been a matter of serious dispute between that gentleman and successive Boards of the Treasury, and until within the last twelve months his claims had not even been brought into the shape of an account. The original agreement with Sir Charles Barry was made by Lord Besborough, who was the First Commissioner of Works when the palace was commenced, and by it the architect was to receive a sum of 25,000*l.* in full for his commission upon the building as then contemplated, though Sir Charles Barry protested that he never quite assented to this agreement. He (Mr. Wilson) might here mention that the original expenditure of 700,000*l.* then contemplated was never intended to finish this building, but only included the shell. As far as he could make out, the calculation upon which Lord Besborough based this agreement was of something like 3 per cent. upon the whole expenditure. The usual commission paid to architects was 5 per cent.; but in this case, where the cost of measurement—which was a very serious item—was defrayed by the public, the commission allowed was 3 per cent. It appeared to the Treasury, therefore, that it would be an equitable arrangement to adopt the principle upon which Lord Besborough appeared to have acted—although Sir Charles Barry said he never assented to it, while admitting that he had acted upon it—and to pay the architect a commission at the same rate as that originally contemplated. Sir Charles Barry protested against that decision; a correspondence had gone on upon the subject from that day to the present; the Treasury had kept their payments to him within that amount of 3 per cent. upon the actual outlay on the building; and, with regard to the question of measurement, as Sir Charles Barry stated that he had incurred considerable expenditure of his own under this head, that matter was at present under consideration until the facts were discovered. In a very short time a final decision, he hoped, would be come to—a decision which might not satisfy Sir Charles Barry perhaps, but which would be, he thought, a just one as between that Gentleman and the public.

Captain SCOBELL said, that a commission of 3 per cent. upon the expenditure would produce a sum of 54,000*l.*, and he wished to know whether the Treasury meant to resist any further claim, and to confine Sir Charles Barry's remuneration to 3 per cent upon the actual outlay?

Mr. LLOYD DAVIES said, he begged to ask whether the 3 per cent. commission was charged upon the decorations of the interior as well as upon the building generally?

Mr. WILSON replied that the commission was charged upon the entire outlay, including decorations, and that the Government were prepared to resist any further claims beyond the 3 per cent., though they would of course replace any private expense incurred by Sir Charles Barry with regard to measurement.

Viscount EBRINGTON said, he wished to ask if, in addition to decorations, the commission was charged upon repairs, because as alterations and repairs appeared never to be finished, the percentage upon them would furnish Sir Charles Barry with a perpetual annuity.

Sir WILLIAM MOLESWORTH said, that Government was prepared to resist any further charge beyond the 3 per cent, which was the usual amount paid to architects for public works, including decorations and other similar matters.

Sir HENRY WILLOUGHBY said, a proposition ought to have been made to Sir Charles Barry to this effect, that if he did not choose to afford his services on certain terms, they would be dispensed with.

Mr. PERCY said, he noticed that there was in these Estimates a sum of 6,000*l.* charged for warming and ventilating the Houses of Parliament. The Committee ought to know whether this was to be a regular annual charge.

Sir WILLIAM MOLESWORTH said, that with respect to the ventilation of the House, the sum of 6,000*l.* was proposed in consequence of the recommendation of the Committee which had been appointed to consider that matter. A portion of that expense had been already incurred, when Mr. Gurney was employed on the recommendation of the Committee. For his own part, he must say that he thought the improvement which had taken place in the ventilation of the House was worth the expense, but for the future he anticipated considerable reductions.

Mr. PIGOTT said, considerable dissatisfaction already prevailed on this matter, and it would be increased if it went forth as it now stood, without some explanation having been given, without which he considered the House ought not to have this expenditure hanging over it year after year.

Vote *agreed to;* as were also—

(4.) 6,000*l.*, General Repository for Records.

(5.) 122,841*l.*, Holyhead Harbour.

Captain SCOBELL said, he wished to inquire the depth of water at neap tides in the harbour of refuge and the roadstead of Holyhead; and whether the works recommended by the Admiralty had been sanctioned by Parliament?

Mr. BAILLIE said, he also begged to ask whether the original plans had not been altered, so as to reduce the area of the breakwater?

Sir CHARLES WOOD, in reply, said, he must refer the hon. and gallant Gentleman (Captain Scobell) to the report of Captain Skinner and Mr. Rendell on the subject. The object of bringing the Estimate forward was to obtain the sanction of Parliament for the expenditure, the proposal being to enlarge Holyhead Harbour, and afford greater security than hitherto, a measure which was justified by the large increase in the number of vessels that resorted to it. He believed there had been some alteration in the original plans.

Vote *agreed to;* as were the following Votes—

(6.) 234,000*l.*, Harbours of Refuge.

(7.) 375*l.*, Port Patrick Harbour.

(8.) 30,963*l.*, Public Buildings (Ireland).

(9.) 5,876*l.*, Kingstown Harbour.

(10.) 82,140*l.*, Two Houses of Parliament.

(11.) 54,400*l.*, Treasury.

(12.) 27,595*l.*, Home Department.

(13.) 83,849*l.*, Foreign Department.

(14.) 35,897*l.*, Colonial Department.

(15.) 75,733*l.*, Privy Council Department, &c.

(16.) 2,700*l.*, Lord Privy Seal.

(17.) 25,211*l.*, Paymaster General's Department.

(18.) 7,314*l.*, Comptroller General of Exchequer.

(19.) 21,595*l.*, Office of Works and Public Buildings.

(20.) 21,862*l.*, Office of Woods, Forests, and Land Revenues.

(21.) 14,098*l.*, Public Records Department.

(22.) 205,383*l.*, Poor Law Administration.

Mr. MACARTNEY said, he wished to call attention to the large expenditure required for the maintenance of the establishment in Ireland as compared with that in England. Last year the cost in Ireland was 40,794*l.*, while in England it was only 35,728*l.*, and in Ireland eighty-nine persons were employed upon the establishment, the number employed in England being only sixty-six. He wished to know if the Government could give any assurance that the establishment in Ireland would be reduced so as to be more upon a footing with that in England?

Mr. WILSON said, every effort was being made to reduce the expenditure connected with the administration of the Poor Laws in Ireland. Last year the amount asked for was reduced from 48,000*l.* to 40,000*l.*, and this year there was a further reduction to 34,000*l.*, making altogether a reduction of 14,000*l.* in two years.

Mr. MACARTNEY said, the late Secretary for Ireland promised last year that a Select Committee should be appointed to inquire into the whole system of the Poor Laws in Ireland, and he hoped to have a renewal of that promise from the present Secretary.

Mr. DISRAELI said, the hon. Gentleman's reply could hardly be considered satisfactory to the hon. Member who had just put the question. What the hon. Gentleman wanted to know, and what Irish Members also desired to know, was, whether steps had been taken to reduce the expenditure connected with the administration of the poor law in Ireland. He did not understand that the hon. Gentleman (Mr. Wilson) had given a satisfactory answer to the question.

Mr. WILSON said, it would be seen that the Irish expenditure had been reduced this year by a sum of 6,200*l.* This reduction was caused by the abolition of the secretary of the Poor Law Board; by the abolition of one assistant secretary, whose duty was done by the senior clerks; and by inspectors and auditors, amounting together to ten persons, whose united salaries amounted to 5,600*l.* He trusted that this would show to Irish Members that what Government had previously promised on this subject had been in progress of performance.

Mr. MACARTNEY said, he wished English Members to be aware of the difference of expenditure on account of the Poor Laws in England and Ireland. The expenditure was at the rate of 1⅛*d.* in England and 9¾*d.* in Ireland. He could see no valid reason why this discrepancy should exist.

Mr. DISRAELI said, what he and the Irish Members wanted to know was, whether any prospect existed of such a reduction in the poor law expenditure for Ireland as would make that expenditure conformable to the expenditure in England. The matter afforded a fair subject for inquiry. He understood that the number of persons employed in Ireland in the administration of the poor law was greater than the number of persons employed in England, while the whole amount of the poor law funds for Ireland did not amount to one-seventh of the aggregate amount for England. No assurance had as yet been given that a suitable reduction in the Irish expenditure would occur, and it was, therefore, desirable to know whether any considerable reduction was in contemplation which would be likely to bring the two expenditures to an equality.

Mr. WILSON said, it was true there were eighty-nine persons employed in Ireland in reference to the poor law, and but sixty-six in England. But hon. Members must be aware that the reason of this difference was that more work was done by the central body in Ireland than was the case in England, where the greater portion of labour was done by local authorities. There was a Bill in progress for altering the poor law of Ireland, with the view of extending local authority and taking away the powers of the central body; and it would be seen that every step in this direction would have the effect of reducing the expenditure, and of course of bringing the expenditure of both countries to a comparative equality.

Mr. MACARTNEY said, the Bill in question contained a clause against which he had already protested, as it contemplated the giving away of 160 places of 500*l.* a year each, by the Board of Commissioners. What he wanted was that, in conformity with the promise given by Government last year, the question should be thoroughly investigated by a Select Committee.

Vote *agreed to;* as were also the following Votes—

(23.) 38,222*l.*, Mint.

(24.) 15,530*l.*, Inspectors of Factories.

(25.) 5,156*l.*, Queen's and Lord Treasurer's Remembrancer in the Exchequer, &c. (Scotland.)

(26.) 6,431*l.*, Household of Lord Lieutenant of Ireland.

(27.) 17,032*l.*, Chief Secretary for Ireland.

(28.) 6,889*l.*, Paymaster of Civil Services Department (Ireland).

(29.) 22,789*l.*, Board of Public Works (Ireland).

Mr. MACARTNEY said, he wished to know whether the recommendations in the Report of the Commissioners had been carried out with respect to public works as well as with respect to the poor law.

Mr. WILSON said, that the Commission intrusted to Messrs. Bromley and Stephenson had not cost the country a single shilling beyond the travelling expenses of those gentlemen, who were public servants of great eminence. Their Reports with regard to the Board of Works, made about two years ago, had been entirely carried out. Their Report with respect to the Poor Law Board, however, had not been acted upon; for that Report was made upon the assumption that the then existing establishment would be maintained, whereas on the discussion of the Estimates in Parliament a very large reduction was made in those establishments. The Report, therefore, which was made upon a very different establishment, could not now be carried out, but so far as it applied to the portion of the establishment that was maintained it would be acted upon.

Vote *agreed to.*

(30.) 46,421*l.*, Commissioners of Audit Department.

Mr. W. WILLIAMS said, he must complain that the Civil Service Estimates were submitted to the House in driblets, instead of being presented in a complete form, and he must also reiterate his objection to proceeding with the Estimates on the first day of meeting after the recess.

The CHANCELLOR of the EXCHEQUER said, that as it was necessary the general Estimates should be voted before the commencement of the financial year, it had been the common practice to commence the Miscellaneous Estimates after the Easter recess. Full notice had been given by the Government of their intention to proceed with these estimates that night, and he saw no reason for complaining of what had been the established practice.

Mr. DISRAELI said, he did not think the Committee had any right to complain of the course pursued by the Government. He believed the Estimates had been for some time in the hands of Members, and there had certainly been an understanding before the recess that the Miscellaneous Estimates should be brought forward on the reassembling of the House. He thought it of great importance and advantage that the Estimates should always be fully in the hands of Members, but he must protest against the opinion expressed by the hon. Member for Lambeth (Mr. W. Williams) that no business of importance should be brought forward on the first night of the meeting of the House after a recess. He (Mr. Disraeli) considered that the first night after a recess was exactly the occasion when, with renewed energies, they ought to give their consideration to any important business. If the principle were once admitted that the House met on the first night after a holiday merely as a matter of course, they virtually prolonged the holiday, and introduced a lax mode of carrying on business, which, if it were once adopted, would be found to work most unsatisfactorily. The late recess had exceeded the usual limits, yet the hon. Member for Lambeth complained, on the first night of the reassembling of Parliament, and when apparently they had scarcely sufficient business before them, that they should be asked to consider the Estimates. He fully agreed with that hon. Gentleman that it was of the utmost importance that the Estimates should be placed in the hands of hon. Members at such a period as to afford full time for their consideration, but he (Mr. Disraeli) was not aware that an opportunity had not been afforded of giving these Estimates fair consideration. He had received the Miscellaneous Estimates some days ago, and due notice had been given before the recess that those Estimates would be considered on the day that the House reassembled.

Mr. SPOONER said, he agreed with the right hon. Gentleman that the House ought to proceed to business on the first night of their reassembling instead of prolonging the holidays; but what he complained of was that the Miscellaneous Estimates had not been placed in the hands of hon. Members at an earlier period.

Mr. WILSON said, the practice which had existed for many years had been followed in this case — the Estimates had been printed in the earlier days of the recess, and had been delivered to Members several days before the reassembling of Parliament.

Mr. JOHN MACGREGOR said, for his part, he objected to voting Estimates while they were in ignorance of the intentions of the Government with regard to the Ways and Means.

Vote *agreed to;* as were also the following—

(31.) 16,270*l.*, Copyhold, Inclosure, and Tithe Commission, &c.

(32.) 12,190*l.*, Imprest Expenses under Inclosure and Drainage Acts.

(33.) 42,500*l.*, General Register Office, England and Wales.

(34.) 3,768*l.*, Ditto, Dublin.

(35.) 5,715*l.*, Registrar General of Births, &c., Edinburgh.

(36.) 14,986*l.*, National Debt Office.

(37.) 3,260*l.*, Public Works Loan Commissioners.

(38.) 1,570*l.*, West Indian Islands Relief Commissioners.

(39.) 820*l.*, Commissioners in Lunacy Office.

(40) 3,000*l.* Metropolitan Buildings Office.

Lord SEYMOUR said, he considered that no Act contained so much of injustice and inconvenience as the Metropolitan Buildings Act. Instead of tending to secure the safety of houses, it often tended to endanger them, while, instead of tending to good drainage, it tended to just the contrary. There were two official referees under the Act, one a lawyer, the other an architect; but they so little agreed with each other that they would not sit in the same room together. Now, before they passed this Vote, they ought to have some pledge that a Bill would be brought in to remedy this disgraceful state of things.

Sir WILLIAM MOLESWORTH said, he had already obtained leave to bring in a Bill to alter and amend the Metropolitan Buildings Act; and in that Bill he proposed to deal with the question of referees.

Vote *agreed to;* as were also the following—

(41.) 984*l.*, General Superintendent of County Roads, South Wales.

(42.) 1,610*l.*, Registrar of Friendly Societies Department.

(43.) 32,000*l.*, Secret Services.

(44.) 360,470*l.*, Stationery, Printing, &c.

(45.) 100,000*l.* Public Education, on account.

Mr. WILSON said, he proposed to take the next Vote out of its usual course. It was the Education Vote, but if the Committee objected to pass the Vote without discussion, perhaps they would allow him to take a sum on account.

Mr. DISRAELI: Why not have the discussion now?

Mr. WILSON said, he did not think it would be convenient to take the discussion now. The Vote was 381,000*l.*; would the Committee allow him to take a Vote on account for 200,000*l.*?

Mr. DISRAELI said, he thought it would be much better to postpone the Vote until it could be introduced by a statement from the Minister.

Sir GEORGE GREY said, a Vote on account was required for the sake of carrying out pressing arrangements. A statement would be made before the balance was moved.

Mr. DISRAELI: Cannot you take a smaller sum?

Mr. WILSON: Yes, 100,000*l.*

A Vote on account for 100,000*l.* was then *agreed to.*

House *resumed.*

The House adjourned at half-after Nine o'clock.

HOUSE OF LORDS,

Tuesday, April 17, 1855.

Minutes.] Public Bills.—2ª Cambridge University.
3ª Dean Forest, &c.

CHURCH-RATES—PETITIONS.

Earl GREY having presented petitions praying for the abolition of church-rates, stated that he could not concur in their prayer, because he did not consider, now that it had been decided that the minority of a vestry could not make a valid church-rate, that there was any substantial grievance in the law. Bills had lately passed giving to town councils and vestries power to make rates for public libraries; the support of the fabrics of our churches was surely, to say the least, as important an object; and he could not see that there was any grievance in a similar power for that purpose. However it might be in large towns, certainly in most parishes its abolition would lead to great injury, and practically to deprive the poor of church accommodation. He should, therefore, deeply regret to find the law so altered as to enable a few malcontent persons to withhold a church-rate against the will of the majority, nor could there be any injustice in allowing the majority of the vestry to impose a church-rate.

The Bishop of EXETER said, he had heard with great gratification the sentiments expressed by the noble Earl; but ventured to suggest that he was mistaken in supposing that the case in question (the Braintree church-rate case) at all had altered the law, or left it less the duty of the vestry to raise a church-rate when required for the support of the church; or that the decision of the House of Lords established that it was wholly left to the option of the vestry to grant or refuse a rate when so required. He appealed to the Lord Chancellor whether this was so. The only result of the decision was, that the minority of a vestry could not make a valid rate. But it was still the duty of the parishioners to make a rate when it was required, and almost every one of the Judges expressly said that the duty of the vestries to maintain the churches remained the same as before.

The LORD CHANCELLOR said, the right rev. Prelate was substantially accurate in what he had stated; no doubt, it was still the duty of the vestries to keep the churches in repair, and supply the articles necessary for Divine service. But the difficulty was as to the means of enforcing the duty. In ancient times it was excommunication, or interdict; but the very mention of these would be considered trifling, as they had been disused since the Reformation; and although it was one of the matters referred to Archbishop Cranmer, at that era, to provide a substitute for the ancient remedy of excommunication it was not done. Notwithstanding, therefore, the old regal maxim, *ubi jus ibi remedium*, there really was no *remedium* for the enforcement of the duty of the vestry to raise a rate for the repair of a church. When the question arose as to the refusal of a rate, some years ago, the late Lord Chief Justice Tindal threw out a suggestion that possibly the rate made by a minority of the vestry might be valid. The hint was acted upon in the case of the Braintree church-rate case; such a rate was made and contested; held to be valid by the Court of Exchequer Chamber, but finally, held invalid by the House of Lords. When, therefore, it was said that it was the duty of the vestry to make a rate when necessary, it must be borne in mind that practically there was no means of enforcing the performance of that obligation; still, however, it remained, and such in fact appeared to have been the state of the law from the time of the Reformation to the present day.

The Bishop of EXETER said, there had fallen from the noble and learned Lord something which had astonished him, and as to which he could not help expressing the astonishment he felt. The noble and learned Lord said that from the period of the Reformation there had been no remedy for the refual to raise rates to repair churches when necessary. Why it was notorious that (as stated in the Report laid before Parliament in 1832) there had been constantly proceedings in the ecclesiastical courts against persons for not performing their common law duty to concur in a rate for the repair of their parish church. The noble and learned Lord said that there was no power to compel a majority to make a church-rate. It was true that no one would think of interdicts or excommunication in such a case in these days. Interdicts, indeed, were quite obsolete. No, but excommunication was not, and had continued to be pronounced in such cases up to the time he had referred to. The proceeding indeed, was not excommunication in the first instance, but monition, the ultimate sentence being excommunication. Every person who concurred in refusing a church-rate when it was necessary was liable to monition in the ecclesiastical courts. If the monition was disregarded, then, in case of contumacy, sentence of excommunication issued. And so lately as 1812 an Act of Parliament passed recognising the validity of excommunication, and providing a substitute for it in the infliction of six months' imprisonment in lieu of the old writ *de contumace capiendo*, which issued at common law upon sentence of excommunication in the ecclesiastical courts, added to the civil disabilities it imposed upon a writ of *significavit* to the courts of law. This state of the law had certainly produced an effect, for churchmen would not disregard a sentence of excommunication, and the threat of proceedings in the ecclesiastical courts had in many instances induced parties to alter their course and concur in a rate. He should regret to see the sentence of excommunication followed by imprisonment, and desired that no civil consequences should follow such a sentence, and that it should be left to its moral effect on the consciences of churchmen. But the law was so, and it had a practical effect which made it incorrect to say that the duty to raise a rate for the maintenance of the church was one which could not be enforced.

Earl GREY said, that it had been pointed out to him that the petition applied to a Bill which was now before the other House of Parliament, and that it could not formally be received by their Lordships; and he should therefore withdraw it. He understood the law on the subject to be precisely as had been stated by the noble and learned Lord on the woolsack, that legally and technically there was such a duty, but practically it could not be enforced; and it came to an optional power of raising a rate. Nor did he see anything to regret in that state of the law on the one side or the other; on the one hand it would be improper, in his opinion, to inflict a church-rate against the will of the majority of the ratepayers; and, on the other hand, as he had already said, he should deeply regret if it should be in the power of any person to prevent a rate being levied with the consent of the majority for the repair of their parish church. He considered that it would be a matter greatly to be regretted if in this way there should be any risk that the churches might be allowed to fall out of repair; those churches in which the humbler classes had rights which it would be a national injury to deprive them of.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, April 17, 1855.

Minutes.] Public Bills.—1° Poor Law (Scotland); Sunday Trading (Metropolis); Land Assessed Taxes Divisions; Education of Pauper Children.

3° Convention with Sardinia.

OFFICERS WOUNDED IN THE CRIMEA, INCOME TAX—QUESTION.

Colonel NORTH said, he wished to ask the hon. Gentleman the Under Secretary for war whether any decision had been come to in regard to the deductions of the income tax from the amount awarded as gratuity for wounds to those gallant officers who have returned home mutilated from the Crimea?

Mr. F. PEEL in reply said, that, in the first instance, the income tax had been deducted, but, on consideration, it had been decided that it should not be charged on these gratuities, and, in consequence of that determination, instructions had been given that the tax should not be deducted.

COMMITTEE OF COUNCIL ON EDUCATION—QUESTION.

SIR JOHN PAKINGTON said, in the absence of the noble Lord at the head of the Government, he wished to ask the right hon. Baronet the Home Secretary whether it was the intention of Her Majesty's Government to introduce any measure during the present Session for altering the constitution of the Committee of Council on Education, so as to ensure a direct representation of that department in the House of Commons?

SIR GEORGE GREY said, he presumed that the object which the right hon. Baronet had in asking the question was in accordance with the opinion which he had expressed on a previous occasion—that the duties which were now performed by the Committee of Council on Education should be transferred to a responsible Minister; that that department of the Government should be represented by a Minister sitting in the House of Lords, and if not in the House of Lords, by a subordinate Minister sitting in that House. He had no doubt that, if such an office was created, the duties would be sufficiently grave and onerous for such a responsible Minister. There were besides education other matters connected with it, such as those appertaining to the department of art and science now under the Board of Trade, which might be included among the duties of such an office. At the time when the Committee of Council on Education was established it was considered better to constitute it as at present, but he was not prepared to affirm that the time was not come when under the altered circumstances a better arrangement might not be made. Without, therefore, expressing a final opinion on the subject, he might say that the question engaged the attention of the Government, but he was not prepared to promise that in the present Session of Parliament any alteration would be proposed.

SIR JOHN PAKINGTON said, he would now beg to ask the right hon. Gentleman, if he could inform the House when the Secretary of State for the Colonial Department would return to this country?

SIR GEORGE GREY: I believe that the noble Lord will leave Vienna in the course of the present week—at the end of the week; and from the latest information received, I have reason to believe that he will be in England on the 27th or 28th of the present month.

MEDICAL DEPARTMENTS—(ARMY AND NAVY.)

COLONEL BOLDERO said, that in moving for a Select Committee to inquire into the state of the medical departments in each of the two services, he felt glad that he had not had a previous opportunity of bringing forward the subject, because the evidence already taken before the Sebastopol Committee had furnished two subjects worthy of remark. It appeared from that evidence that the speeches which had been made in that House by hon. Members who had been eye-witnesses of the state of affairs in the East, and also the graphic, interesting, and intelligent statements of the private correspondents of the London journals, had, so far from being exaggerated, fallen below the actual state of the case. The cause of that state of things and of many of the calamities which had occurred was the deficient state of the medical department, and last year a Cabinet Minister had had the honesty to acknowledge the existence of that deficiency, which he attributed to having commenced a war upon a peace establishment and without a medical staff. The war was commenced by sending a small detachment of 10,000 men to Malta, and the medical department was called upon to furnish the medical assistance requisite for that force, and that task they performed, he believed, without any complaint being made, but when that force was augmented in the first instance to 25,000 men, it was found that, instead of the Government of this country having acted in a manner similar to the Emperor of Russia, and made every preparation for war, the means provided by them in every department were inadequate to meet the emergency, and more especially so in the medical department. When it became necessary to establish a hospital at Scutari, deficiencies were found to exist in every branch of the medical department. There was a deficiency of medical men, of medical stores, of means of transport, of apothecaries, of ambulances, of orderly sergeants — in short of everything that was required. He did not wish the House to be led into a belief that the medical men did not perform their duty, for, on the contrary, there was abundant testimony to prove that, whether in the field or in the hospital, they had done so faithfully and nobly, and that in arduous and dangerous circumstances they had displayed great firmness and determination. They were not accountable for the disasters which occurred, it was the Government who were to blame for the whole mismanagement. With regard to the conveyance of stores, there commendations of Dr. Andrew Smith had not been attended to, and, instead of medical stores being sent in one ship under a supercargo, some were sent in one vessel, some in another, and they were never to be found when wanted. If the description of the manner in which the *Prince* was laden was a fair criterion of the general management in despatching stores, could any one wonder at the confusion which prevailed at Varna and Scutari? and on account of that confusion and the impossibility of procuring what was requisite, thousands of valuable lives had been lost. Then, with regard to the appointment of a purveyor, a most important officer, it appeared that a medical board had reported that a purveyor had been appointed who was old, incompetent, and obstinate. The apothecaries who were first sent out were quite incompetent to perform their duties, and were also too few in number, as were also the orderly sergeants, a set of men who ought to be chosen from the same class of persons from which schoolmasters were ordinarily selected. Then, again, pensioners were selected for the ambulance corps in spite of the entreaties of Dr. Andrew Smith, who gave as the result of his experience that these men were worn out by disease, by climate, and dissipation, and that they would be quite incompetent for the duties which would devolve upon them. Dr. Smith stated that he was at the head of an establishment with no actual power, that he had five masters and was interfered with at every turn; and he (Colonel Boldero) maintained, therefore, that no responsibility could rest with the head of a department so constituted. Did not this furnish a sufficient reason why the House should grant a Committee to direct their energies to this subject, receive evidence from persons able to guide their judgment, and see whether they could not propose some remedy for such a state of things? Without going into details, he thought every one would acknowledge that evidence enough had been taken before the Committee now sitting, to show the necessity of a change in the whole medical department. The medical officers themselves complained that they were not fairly treated; they said neither their pay nor their pensions were equal to those of other branches of the army, while honours and rewards were withheld from them. Now, in proof of this alleged ill-treatment, let them compare the position of a medical officer in the Queen's and Company's service. In the latter, after the expiration of seventeen years, the medical officer was enabled to retire upon 200*l.* a year, direct pension, with 300*l.* a year in addition from the medical fund; together an allowance of 500*l.* a year. On the other hand, the medical officer in the Queen's service, after serving twenty-five years, received but 1*l.* 5*s.* per day, while his retiring allowance was only 13*s.* a day. Again, place his case beside that of an officer in the line. The officer of the line, who might have entered the army a boy of sixteen, was allowed to retire upon full pay after a service of twenty-one years, be his rank what it might. So that, although the medical officer must necessarily join the service at a considerably later period of life on account of the time taken up by his professional studies, his retirement could not take place until four years later than that of the officer of the line, add to which you require twenty-four years' service from the medical officers. With regard to the navy, he had but little to say beyond this, that, bad as was the treatment which the medical officers of the army had received from the hands of the Government, still it differed in a marked manner from that which had been evinced to the officers of the navy. Indeed, towards those gentlemen there had been a display of obstinacy, of prejudice, and of blindness, which it seemed impossible to exaggerate, and which it seemed useless to remonstrate against. And here let him point the attention of the House to this circumstance, the qualifications for an assistant surgeon in the navy were less than those required in an assistant surgeon in the army. Now he would ask why that should be? Was not the value of the lives of men fighting the battles of the country, the one on land the other on sea equal, and ought not, therefore, the country to have equal care of both? Indeed, if a preference were shown, it ought to be in the direction of the sailor, who was the more skilful of the two, and for whose training a longer time was required. The fact was, there ought to be no difference whatever in the treatment of the two classes of medical officers, both ought to be under the direction of a general medical board, and on their becoming candidates for employment, they ought to be allowed to choose the service to which they should be attached, either the army or navy. There was, however, no reason why any distinction should exist either in the standard of qualification or in the pay of military and naval surgeons. He saw some time since in the newspapers a list of sixty-three ships deficient in medical men, and he felt justified in saying, that two months ago there were 100 vacancies which they could not fill up. If in a ship destitute of the proper medical attendants the surgeon fell ill, and the ship went into action, might not the result be that a number of men would be wounded without having any person on board who could treat them properly. The gentlemen who were selected in the navy were generally between eighteen and twenty years of age, instead of being between twenty-two and twenty-four, and though they might be theoretically well trained at Edinburgh and Dublin, practically they knew nothing of the duties required of them until they became thoroughly acquainted with the system under which they were called upon to act. With regard to the militia, that might at present be almost said to form part of the regular army, and if a Committee were granted, the medical department connected with that service might perhaps form a subject of inquiry. There was but one objection that could be raised to the motion. He might be told that it was intended to make an alteration, and that a plan had already been proposed. Probably the force of public opinion might have induced the Government to endeavour to effect a change, but had the plan which had been proposed received the sanction of the medical officers of the army? Certainly not, for Dr. Andrew Smith expressly stated in his evidence that he had seen the proposed plan, and he did not hesitate to say, that he for one would not remain one hour in the service if it were carried into execution. It might be said that great improvements had taken place in the hospitals in the East. True, there had been improvements, but to whom were they indebted for those improvements? Not to the Government, but to *The Times* commissioner, the charity of individuals, and more particularly to the heroic exertions of that amiable woman, Miss Nightingale. He trusted that the Government would not refuse to accede to his motion, and he could assure the House that in the course he had taken he was actuated solely by the desire of benefiting his fellow-men.

SIR JOHN TROLLOPE, in seconding the Motion, said he had had some experience of medical practice connected with the military service in former years, and he much lamented to see that latterly it had greatly deteriorated. If a Committee were appointed the origin of this deterioration might be traced to the right causes, and he hoped he should not be told by the hon. Gentleman who represented the War Department in that House that the Committee now sitting to inquire into the conduct of the war in the Crimea embraced in their inquiry this branch of the subject. No doubt they did, incidentally; but still he thought that a general Committee appointed to consider how the war had been carried on would not go so fully into the causes of the evils described by his hon. and gallant Friend (Colonel Boldero) as a special Committee appointed solely to inquire into the state of the medical departments of the army and navy. He thought the origin of the evils of which his hon. and gallant Friend complained might be traced to the system which had been pursued of late years. In former years there existed an Army Medical Board, but that board had been abolished in order to save the public money, though assuredly not for the advantage of the public service. The duties of the Army Medical Board had since devolved upon one individual, and in asking for a Committee it behoved his hon. and gallant Friend and himself to show how the power thus vested in a single individual had been exercied. At present the Medical Director General of the army had the absolute power of appointing all the staff surgeons of the army and Ordnance, with the exception of the household troops, and he had the power of placing them in any part of the world where our Colonies were situated, with the single exception of Sierra Leone, to which Colony the medical men were allowed to volunteer. Now, he did not mean to say that favouritism had been shown by Dr. Andrew Smith in the exercise of his patronage or in the selection of the posts to which the medical officers had been appointed, but he thought it ought not to be in the power of any man to say that such a thing was even possible. If an Army Medical Board existed, whose duty it would be to sit upon the appointments which were made, there could be, at all events, no charge of favouritism or partiality. With regard to the service which had been principally adverted to by his hon. and gallant Friend—namely, the present service in the East—he thought there ought to be an inquiry, first of all, whether the Medical Director General of the army had secured for himself the most adequate and able men upon whom he could lay his hands. He (Sir J. Trollope) happened to hold in his hand some letters addressed to his right hon. Friend the Member for South Wiltshire (Mr. S. Herbert) by a most eminent member of the medical profession, who had been inspector of hospitals, who was a gentleman of great experience, and whose name, he was sure, would be received with the highest respect: he alluded to the brother of the illustrious Sir Humphrey Davy. Dr. John Davy was a retired army medical inspector of hospitals, a man of ample private means, who had seen a great deal of service, and when the expedition to the East was first talked of he wrote to the right hon. Member for South Wiltshire (Mr. S. Herbert) to volunteer his services. In 1839, Dr. Davy was sent out by the present Prime Minister, who was then Foreign Secretary, to establish hospitals at Constantinople, under the orders of the Turkish Government. Dr. Davy remained nearly two years in Turkey, but his mission was unsuccessful, owing to the corruption which prevailed in the Turkish Government. He was, however, enabled to acquire extensive knowledge of Eastern affairs, of the peculiarities of the climate, and of the resources of the country, and he was unquestionably one of the most proper persons to be intrusted with the charge of the medical departments of the army in the East. On the 25th of March last year, Dr. Davy addressed a letter to the Secretary at War, tendering his services. Dr. Davy had served in all parts of the world, and it might be said that he was of too advanced age to be employed, but the Secretary at War never took the slightest notice of his letter. On the 11th of April, Dr. Davy renewed his offer of service to the right hon. Gentleman with a similar result—he received no answer whatever. Time went on; an alteration took place in the War Department; the Duke of Newcastle became Minister of War, and on the 27th of November, Dr. Davy addressed a letter to the noble Duke, tendering his services, mentioning the previous applications he had made, and stating that no reply had been vouchsafed to him. The following was the answer he received from Dr. Andrew Smith—

> "Sir,—I have to acknowledge the receipt of your letter of the 27th instant, addressed to the Duke of Newcastle, and the copy of a communication to the Secretary at War which accompanied it. In reply, I beg to inform you that I do not feel myself warranted to recommend your being restored to full pay for service with the army in the East."

Now, Dr. Davy did not ask to be restored to full pay. He was a man of perfectly independent means; he was residing in happy retirement, after his long professional services, in the lake district of Cumberland; but, feeling that he might be useful, he tendered his services to the Government, and this was the manner in which he was treated. There was, perhaps, a reason for the *brusque* style in which Dr. Andrew Smith wrote to this gentleman. Dr. Smith was taken from a lower grade of the profession; he was never anything but staff surgeon, and he had been hoisted over the heads of all his seniors, who were men of far greater professional acquirements. Dr. Smith had been at the hospital of Fort Pitt, at Chatham, under the command of Dr. Davy, who had thought fit to report him for want of attention to his duties, and this was, doubtless, a reason for the *animus* which Dr. Smith displayed in his letter. There was, therefore, a personal feeling in the matter; but the House would see, from this case, how the public service was conducted when it was left in the hands of individuals. He would ask the House to consider in what manner young men who received medical appointments in the army were treated. The practice for forty years had been to send them to Fort Pitt, at Chatham, where there were no lectures to which they could have access, but where they might remain for six or nine months before they received regimental appointments, hanging about a mixed garrison and seaport town, and exposed to all the temptations to dissipation which existed in such places. He (Sir J. Trollope) thought it would be greatly conducive to the public interests if the military hospital at Fort Pitt were removed, and were brought within such a distance of the metropolis as would afford the medical officers of the army an opportunity of attending the metropolitan hospitals, lecture rooms, and libraries. His reason for seconding the Motion of his hon. and gallant Friend was, because he thought the deterioration of the medical service of the army was a subject well worthy of inquiry. When he (Sir J. Trollope) held a commission in the service immediately after the close of the great war, every regimental medical officer was a man of experience with respect to the diseases incidental to camps, and more especially the treatment of the wounded. He believed if they had had men of sufficient experience to choose proper places for hospitals in the East, that the great barrack of Scutari would never have been devoted to that purpose. In a building where such a tainted atmosphere existed, there was little hope of the recovery either of the sick or wounded. He thought sufficient ground had been shown for a special inquiry, with the view of elevating a profession upon which the health and comfort of our brave troops so materially depended. Comparisons had been drawn between our own medical service and that of our gallant Allies, which were not at all favourable to the system adopted in the British army. He could only attribute this difference to the circumstance that the French service was not tied down by such a miserably close system of routine as our own. Since the time of the Emperor Napoleon I., when men of genius and ability had been found they had been brought forward, they had been led to act upon their own responsibility, and they had not been obliged to write to a director-general for everything they wanted. He considered that they ought to follow the example of Napoleon I., who gave Baron Larrey, the distinguished surgeon-general of his forces, power to do anything he pleased for the relief of the army. Baron Larrey created the ambulance system, which we had not only been obliged to imitate, but we had been obliged actually to borrow the *ambulances volantes* of our Allies to convey our sick and wounded troops. Our own military service, he was happy to say, had already afforded two noble examples of bravery and devotion on the part of medical officers. Assistant-surgeon Wilson, at the battle of Inkerman, went bravely into action like a private soldier; and all would recollect the touching case of Surgeon Thompson, of the 44th Regiment, who remained upon the field of battle, at the hazard of his life, solely to succour and assist the wounded of the enemy. He was sure it would be admitted that men who performed such noble acts deserved every encouragement at the hands of their country. To show how the medical service of our army was tied down, he would read a few extracts from a work on the subject, which showed the duties of a regimental surgeon:—

> "In addition to the proper duties of attendance upon the sick of his regiment or station, and to the prevention or removal of the causes of disease, the medical officer is also required to act as dispenser of medicines, as hospital steward, and as clerk. In the course of the duties of this latter office he has the charge of at least fourteen sets of elaborate books and forms, the keeping, filling, and transmitting of which would, if accurately done, occupy the greater part of the time of a skilful and laborious accountant. It is prudently provided that, should these archives 'accumulate to an unwieldly bulk'—should they exceed the capabilities of transport by ship or rail—the director general is to be applied to, and he may be expected in the plenitude of his wisdom and power to find a remedy—'he will give orders for their disposal.'"

The fact was, that entries were required to be made of every case of trifling sickness in huge folio volumes, which could neither be transported by ship nor by rail. He (Sir J. Trollope) thought the best thing that could be done with these useless volumes would be to burn them in the barrack square. So much unnecessary duty was thus thrown upon the regimental surgeons, that they were obliged to obtain the assistance of hospital sergeants, who were men taken from the ranks, without any medical knowledge. The article from which he had before quoted said—

> "The hospital sergeant illicitly performs the part of steward and dispenser, while the surgeon devotes his time and thoughts to the prevention and cure of disease, and to the consideration of such necessary measures for the improvement of the health and vigour of the soldiers with whom he is associated as he can recommend to the commanding officer. But why should a snare be laid to entrap him into a technical breach of orders? Throughout, our military surgeon is in all cases bound and trammelled by regulations; he can scarcely stir without a reference to the director general. When he goes forth, and when he returns, he is to report his movements to the director general. If his regiment changes quarters, he is to transmit to the director general a copy of the route. He must not expend more than 5*s.* in getting his instruments sharpened, without obtaining the director general's leave. He is to perform no capital operation in Great Britain without the previous consent of the director general, who lies *perdu* in his office in St. James's Place, while the patient may linger in the barracks of Cork."

There had been frequent instances of the disadvantages of this system. Every man, medical or non-medical, must know that frequent cases occurred where life or death might depend on the promptitude of operations, and yet he had heard, in reference to a soldier, that not very long back three weeks elapsed before the order for an amputation was sent. These things ought not to occur, and they only occurred because everything was placed under the control of a director-general sitting in London, who must be referred to for every minute particular, and a great and honourable profession was treated as if it was unworthy of the slightest credit for judgment and capacity. This was a disgrace to the medical profession and to the army, and to render the service what it ought to be they must raise the position of the medical men, and give them something more than the ordinary rewards of their profession, in order to induce individuals who had devoted their time to the acquirement of a proper medical knowledge to enter the service and remain in it. He believed that an inquiry by a Committee of that House into these matters would lead to such a result as would leave no one sceptical as to the justness of the position which his hon. and gallant Friend had taken up.

Motion made, and Question proposed, "That a Select Committee be appointed to inquire into the state of the Medical Departments of each of the two Services, Army and Navy."

MR. FREDERICK PEEL said, in reference to what had fallen from the hon. and gallant Gentleman (Colonel Boldero) as to the motives which induced him to bring forward the present Motion, no one could doubt that his only object was to promote the advantage of the service, and to make the military branch of the medical service such as it ought to be, so that the medical men of this country might enter into it with the feeling that it offered prizes and prospects as promising as any that could be contemplated in private practice, or by attendance in the large civil hospitals of this country. He (Mr. Peel) should confine his observations to that portion of the Motion which related to the army, leaving his hon. and gallant Friend near him (Admiral Berkeley) to deal with the naval part of the question. He saw no reason whatever why the medical department of the army should not have advantages and prizes such as would draw into it the ablest of the young medical men of the country, and he quite agreed with his hon. and gallant Friend that the merit of the members of the profession in this country entitled them to the kindest and most liberal treatment from the Government. It had been said that Dr. Andrew Smith had stated that he had been nursed in the persuasion that it was his duty rather to save money than to spend it, and that medical officers were trammelled by forms, and had duties devolved on them not comprised within their proper sphere of service. He (Mr. Peel) was glad to say that these inconveniences had in a great measure disappeared under the pressure of actual service, and, looking to the great necessity of now obtaining soldiers, and sending them abroad well drilled, and in a state of efficiency, he believed, setting aside every other motive, that it would be both good policy and economy in the end for the Government to bestow every care on the proper treatment of the men; so that they might feel convinced that if they fell sick or received wounds they would be treated in a manner worthy of the advanced state of medical science in this country. He would most heartily join with his hon. and gallant Friend in any measure likely to tend to such a result; but he thought that there were reasons why, at the present time, the proposed inquiry by a Committee would not be desirable or even opportune. His hon. and gallant Friend had laid great stress on the evidence taken before the Sebastopol Committee, but it should be observed that that evidence did not bear so much on the faults of the system followed in our service as on those of individuals, many of whom, as the purveyors, were old men. The disgraceful state of the hospitals, so much complained of at one time, had in a great measure ceased to exist, and the Sebastopol Committee was at the present time inquiring into this very matter. One-half of the evidence contained in the blue book presented to the House had reference to the deficiencies of the medical department; and that very day one of the Commissioners of Inquiry who had been sent to the East had been examined in reference to the state of the hospitals. There would, therefore, be great inconvenience in having another Committee appointed to investigate precisely the same subject. The state of the medical department, if not the special subject of the inquiry of the Sebastopol Committee, was nevertheless embraced within the scope of its investigation, and he had no doubt that the Government would derive great advantage from the conclusions at which that Committee might arrive on the subject. The present Motion had been based on the evidence given before the Sebastopol Committee, and it certainly would be somewhat novel and anomalous to appoint the Committee now proposed in order to report what conclusions ought to be drawn from evidence taken before another Committee, whose inquiries were not yet concluded. Let the labours of the Sebastopol Committee be finished, and then, if that inquiry should be found incomplete, it would be time enough to appoint another Committee for the purpose of considering this question. Another reason why he felt that the appointment of the proposed Committee would be inexpedient was, that this subject was not only under the consideration of the Government, but was being dealt with by them at the present moment. The Government were taking steps to reorganise and reconstitute the medical department of the service. The right hon. Baronet (Sir J. Trollope), who seconded the Motion, said that a contrast had been drawn between the French and English medical service, disparaging to the latter; but it should be borne in mind that a Commission, which had been appointed to proceed to Paris to inquire into the constitution of the office of the Minister of War there, had made its Report, and much of that Report was devoted to the state of the constitution of the medical department. He had no doubt that the Government would obtain many valuable hints from that Report. Of course the first subject which the proposed Committee would have to inquire into would be the constitution and direction of the medical department of the army. The right hon. Baronet had found fault with the arbitrary and despotic powers possessed by Dr. Andrew Smith, who, as the head of the medical department, determined the conditions on which medical students should be admitted into the army, the nature and sphere of their duties, and recommended them for advancements and promotions; and yet, on the other hand, Dr. Andrew Smith complained of having five masters, and of being trammelled on all points—on a question of expense being obliged to go to the War Office, to the Horse Guards on a question of promotion, in reference to supplies for the hospitals to the Ordnance, and to the Admiralty in reference to conveyance of stores. The remedy for that was the concentration of the authorities of the army, and that had in a great measure been already effected by the creation of the office of Secretary of State for War. That officer had now a power over all the other authorities which controlled the movements of the army, not before possessed by any single functionary, and all the evils of division and rivalry of authority were, he hoped, in the course of removal. Then, again, the Government proposed to make further changes with respect to the direction of the medical department itself. The office of Secretary of State for War was brought into more immediate connection with the medical department than any other office hitherto had been, and the Government proposed besides to make changes in the constitution of the medical department itself. Complaint had been made of the large power vested in one officer, particularly in reference to military surgeons, the possession of which subjected that officer to the imputation of such motives as had been mentioned in the case of Dr. Davy. It was, however, the intention of the Government to appoint a civilian as a member of the medical board, who, in conjunction with the person filling the office of Director General, would regulate the operations of the department—an alteration which it was to be hoped would prove satisfactory to the profession and to the country. In addition to that, a change would also be made in the persons to constitute this board. The hon. and gallant mover had supposed that Dr. Andrew Smith retired from the medical department because he disapproved the alterations that were taking place. Now, the truth was, that Dr. Andrew Smith, who deserved to be mentioned with honour, inasmuch as he had performed his duties zealously and with a sense of his responsibility to the public, had now been employed in the medical service for nearly forty years; and it was not to be wondered at that, after such a period, he should be desirous of retiring from active life. But, further than this, he was not unnaturally reluctant to share with others that control over a department which he had so long held undivided. Another subject which would fall under the inquiry of the proposed Committee would be the constitution of the medical staff itself. The hon. and gallant mover complained that the surgeons of our army were denied certain advantages which were enjoyed by the profession in other services; in India, for instance, a surgeon was allowed to retire upon half-pay after seventeen years' service; whereas, in the Queen's service he had to serve twenty-five years before he could do so. Now, it should be remembered that service in India was considered, from the climate or other causes, to be more onerous than it was under other circumstances. However, if there were any injustice done to the surgeons in this matter, as posibly there was, it could easily be redressed, and would indeed probably be dealt with by the new board. The right hon. seconder of this Motion said the system of admission to the medical service was very bad, and objected that surgeons were first required to go through a course of practical training at Chatham, where they had inadequate means for qualifying themselves. Now, here again the measures that had been taken by the Government would supersede the necessity for appointing this Committee, because the House had recently voted a sum for establishing professorships of military surgery at London, Edinburgh, and Dublin; and it would therefore be possible to impose attendance at lectures on candidates as a condition previous to their admission, and also by competition to raise the standard of the acquirements possessed by medical students. With respect to the system of appointing orderlies from the different regiments to perform hospital duty, the effect had been that the discipline of these men as soldiers had been destroyed, while their services as nurses were perfectly useless. But this was another of the evils which the Government were about to remedy, because the sanction of the Crown had already been given to the formation of a regular hospital corps, which was, in fact, now being raised as fast as possible. It was intended that there should be persons employed to act as ward-masters, in maintaining discipline in the hospitals, and seeing that the prescriptions of the doctors were properly made up and administered; there would also be a class of officers to cook the food and take charge of the clothes of the invalids; and thus all the inconveniences which had been complained of in regard to those particulars would be obviated. As to the relations between the purveyor and the chief medical officer, great misconception had existed. Whatever had been the doubts raised by the purveying department, it was clear that the purveyor was under the orders of the medical officer in charge for the time being; and whatever the medical officer required he was authorised by the War Office to obtain from the purveyor, and to insist on his supplying. Then, with regard to transport, the Transport Board that had been constituted would remove much of the difficulty that existed when the medical department was dependent on the Commissariat for the conveyance of its stores. These, then, were the principal subjects into which the proposed Committee would have to inquire, and it would be seen that in relation to the whole of them the Government were at this moment taking active steps. With regard to the other topics which it was suggested by that Motion to make the subject of investigation, the proposed inquiry would undoubtedly clash with that now being prosecuted by the Sebastopol Committee. The most convenient course would, therefore, be for the House to suspend its judgment until that Committee had concluded its labours. If its Report should be considered incomplete, and the recommendations of Her Majesty's Ministers should also fail to give satisfaction to the House, then they might rely upon it that the Government would make no objection to the fullest investigation of this subject. Under these circumstances, and with this assurance from the Government, it was to be hoped that his hon. and gallant Friend would not deem it necessary to persist in his present Motion.

Mr. BRADY said, he thought that, after the able and convincing arguments of the mover and seconder of the Motion, the House must be persuaded of the necessity for speedily settling this important question. Indeed, the admissions just made by the right hon. Gentleman (Mr. Peel) in resisting the Motion, were sufficient of themselves to establish that proposition. At the present moment the public mind was excited, and called loudly for inquiry into the management of all our departments. It was the constitutional right and duty of that House, when a general impression prevailed that great abuses had existed in a department of the State, to have the matter fairly investigated; and this question was not to be restricted to such narrow grounds as the mere advantage or disadvantage of the surgeons of the army and navy. Hitherto this question of the medical department had been considered as if there were only two parties who had anything to say on it—namely, the public medical officers on the one hand, and the Horse Guards and the Admiralty on the other; but he trusted the time was now come when that House would assert its rights, and would institute an inquiry with a view of making the medical institutions connected with the public service efficient for the great objects for which they were intended. The hon. and gallant Member who had introduced the Motion had shown how inefficient were the medical departments connected with the army, and he (Mr. Brady) would show that this was also the case with respect to the navy. That such was the state of things in the navy was proved by the fact that the Government at the present moment had been compelled to obtain the services of upwards of 100 unqualified young men to act as surgeons on board one of the largest and most powerful fleets which had ever left England. These inexperienced and ignorant young men, who were only hospital dressers, who did not know an artery from a nerve, and who would not be allowed to assist in the most simple operations in the hospitals at home, had been intrusted with the care of the lives of the captains, officers, and men in the naval service. He actually shuddered at the idea of an engagement taking place while these unpractised youths were acting as surgeons. The reason that capable and efficient men would not enter the service was because, if they did so, they became degraded in their social position, and if the present system were continued it would be most injurious to the public service and the nation at large, and would ultimately lead to the most serious consequences to the country. He would call the attention of the hon. and gallant Member (Admiral Berkeley) to what their future prospects were by stating that he (Mr. Brady) had, a short time since, presided over one of the most important meetings—in a medical sense—ever held in the country; deputations were sent to it from the various colleges, and there were upwards of 4,000 medical men and students present. The young men on this occasion came forward and pledged themselves never to enter the service of the navy so long as the present degrading regulations existed. On the 17th of February, 1854, the hon. and gallant Member (Colonel Boldero), brought forward his Motion relative to the assistant surgeons in the navy, and he then asked where the Government would be able to obtain the assistance of surgeons from, when all who entered the service were compelled to remain in the cockpit for three years. He then said that if qualified surgeons could not be obtained, the Admiralty would deteriorate the article, and take surgeons who would act under a boatswain's warrant. There had been no truer prophecy than this, for the Admiralty had been forced to deteriorate the article, otherwise they would not have been able to obtain a sufficient number of men to act as surgeons. The right hon. Baronet the Member for Carlisle (Sir J. Graham), who, he regretted to see was not in his place, had, in answer to the hon. and gallant Colonel, said—

> "At this moment there is no deficiency in this branch of the service. We have no complaint to make of the want of a sufficient number of assistant surgeons in the navy; and, we have every reason to be satisfied with the competency and the abilities of the Gentlemen selected for the office. I can assure my hon. and gallant Friend that if I had the slightest apprehension that the crews of Her Majesty's ships were exposed to the treatment of ignorant and empirical practitioners, there is no effort that I would not make to remedy so great an evil." [3 *Hansard*, cxxx. 822.]

Such were the words of the right hon. Baronet on the occasion alluded to, and he (Mr. Brady) now called on the hon. and gallant Addmiral to support the words of his former colleague, and to remedy an evil which now undoubtedly existed. He accused the hon. and gallant Admiral of being the chief cause of the degraded position of the surgeons in the navy, and he had been told that the hon. and gallant Admiral had resolved that they should remain in their present position, and that he was a man of firmness, who would not depart from his resolution. If the hon. and gallant Admiral had not been in office two years ago men of inferior education would not have been taken into the service, as there were plenty of able men ready to enter it as soon as the present system was abolished.

ADMIRAL BERKELEY said, he should not have risen on the present occasion, had it not been for the unwarranted personal attack which had been made upon him by the hon. Gentleman who had just sat down. He had been charged with being a man of firmness and resolution. These were qualities he hoped he had displayed throughout his life, and had employed them in taking care of the lives of the seamen in Her Majesty's service, and of the credit of the navy. It had been stated that assistant surgeons were unwilling to come forward, and one of the reasons which had been assigned for their unwillingness was, that the necessary qualification was lower than that which was required in the army. The fact was that a higher qualification than that of the army had been demanded, but it was thought right that the s of qualification of assistant surgeons should be assimilated to that of the army. The hon. Gentleman who had last spoken had asserted that they were obliged to put up with men who had scarcely any qualification, and that a set of dressers were employed to perform the duties of assistant surgeons. That was not the fact. He did not think that the resolutions adopted by the meeting to which the hon. Gentleman had referred did any credit to the Gentlemen who had agreed to them; they almost resembled the endeavour which had been made by operatives to dictate to their masters, and exhibited a singular lack of patriotism. If they looked to what had taken place before Sebastopol, they would find that the health of our men had been better looked after than that of almost any other troops in the world, and it had been truly stated that, out of 1,000 seamen, who had been landed, only twelve were on the sick list. It had been asserted that they were unable to obtain assistant surgeons, but only last year forty-nine had entered the navy. He also begged to assure the House that, so far from the ships in the Baltic and Black Sea being deficient in assistant surgeons, there was not one vacancy in them, and, moreover, that every ship in Her Majesty's service was now provided with one-third more medical attendants than had been supplied during the great battles of the last war. The hon. Gentleman said that so degraded were the assistant surgeons by being compelled to serve in the cockpit that properly qualified men would not enter the service, but after the eminent men whom the cockpit had produced he thought they need not be ashamed if they were obliged to live in that place.

Colonel NORTH said, it was impossible to give too much credit to the medical officers of the army for the kindness and ability with which they discharged their duties. What he wished to call the attention of the House particularly to was, as to the impossibility of the Committee up stairs investigating in a satisfactory manner the working of the general and regimental hospitals in the Crimea. There was one point of great importance connected with this subject. From the deductions which were made from the pay of soldiers confined in hospital for the comforts supplied them, it was at present almost impossible that he could leave it otherwise than in debt. He (Colonel North) also agreed that the amount of correspondence imposed upon medical officers was too great. He did not think the officers were any better treated. In the West Indies some years since ensigns on *5s. 3d.* a day had to pay for leeches themselves, when in yellow fever, when leeches were very dear. He did not consider the removable position of the medical officer a satisfactory one. He would vote for the Motion, because he thought every regiment should have a regular and complete medical establishment, thoroughly trained in all its parts, from the hospital surgeons upward. He thought a system of providing linen and other similar conveniences for the military hospitals should be adopted the same as in the naval hospitals. And he finally begged to call the attention of the Government to the serious condition of officers returned invalided from the Crimea; and would suggest that as they had no allowance, an hospital should be established for their use, or houses should be hired for the same purpose. He would vote for the Motion because, as he had previously stated, he thought the Committee up stairs could not investigate all these points, or inquire into the whole question.

Mr. ELLICE said, he quite agreed with the hon. and gallant Member who had introduced the Motion, that nothing could be more unsatisfactory than the state of the army medical department. The Committee upstairs was doing its best to unravel much of the confusion in which this establishment was at present involved, with a view of enabling the Government and that House to make such reforms as were essentially necessary for the efficiency of the service and the credit of the country, and he would leave it therefore to the discretion of the House whether a second Committee should be appointed to sit at the same time on the same subject. The hon. Gentleman opposite (Mr. Brady) had mixed up the questions of the military and naval establishments, but, so far as the medical establishment of the navy had come before the Committee upstairs, he was bound to say that it afforded a very agreeable contrast as regarded results to the medical service of the army in the East. In the naval hospital in the East there did not appear to have been any want of medical appliances or comforts or of medical assistance, and the naval detachment before Sebastopol appeared to have suffered a very trifling loss in comparison with the army. The question now under discussion would he thought be found, when examined in all its bearings, to be one very much of the remuneration which ought to be given to medical officers in the army. The Gentleman who preceded Dr. Andrew Smith in the office of Director-General of the Medical Department received a salary of from 2,000*l.* to 2,500*l.* a year, but when Dr. Andrew Smith took the office the salary was reduced to 1,200*l.*—a sum very far inferior to that which a person of eminence could obtain from private practice. In like manner, the superintendent of the hospitals at Scutari, with 5,000 patients to look after, and the labours of Hercules thrown on his shoulders, was paid at the rate of about twenty-two shillings a-day. Certainly some allowance ought to be made for the difficulties in which that Gentleman was involved from the numerous functions which he had to perform. He had to superintend the hospitals on the spot; to receive all the sick and wounded sent down from the Crimea; to provide accommodation for them; to receive all the reports sent in by the medical staff, and to despach duplicate reports of the condition of the hospital to head-quarters in the Crimea and to England; to act as president of the boards before which all officers applying for leave of absence on account of their wounds or of ill health had to pass; and, in addition, he had himself personally to perform some of the most important operations which took place in the hospital. Certainly, these were labours too great for any one man to undertake, and this gentleman would most probably have appeared to better advantage before the Committee and before the public if he had boldly stated so, instead of endeavouring to assign reasons why he had not properly discharged all these various functions. What was wanted was a military commanding officer able to control the whole management of the hospital, and to see that the wants of the patients were properly attended to, with power sufficient to put a stop to all the petty quarrels about conflicting authorities, and summarily to dismiss such medical men as did not perform their own duties and impeded others in the performance of theirs. It was from the want of such an authority, and the attempt to substitute another authority in its place, that the greater part of the evils of which the country had so great a right to complain had arisen.

Mr. Ellice

With regard to the appointment of a Committee, though he should leave it to the discretion of the House to decide upon the question, he was of opinion that, on the whole, it would be better to wait for the termination of the inquiry which was at present going on, and which must soon be brought to a close, when the whole subject would be fully before the House, with the additional advantage of knowing what were the propositions of the Government with reference to it.

Mr. MUNTZ said, he was perfectly at a loss to understand either the principle or the policy of the Government in opposing this inquiry, when the public had such strong grounds for believing that all the Government departments were badly managed. It appeared to be only a question of expense; but why should there not be two Committees sitting? The first Committee was a Committee to do everything; the other would be a Committee to do only one thing. He could not help thinking that the Government were showing a great want of discretion in resisting a demand of this sort merely on the ground of expense, when so much had recently occurred to show the absolute necessity of such an inquiry.

Mr. MONTAGU CHAMBERS said, he could not help remembering that the public interests had perished through delay and procrastination, and now the Government were about to procrastinate again. He was prepared to vote for this Motion. It was said that there were no complaints from the medical officers of the navy, and the hon. and gallant Member (Admiral Berkeley) told the House that the Admiralty were able to get as many properly qualified medical men as they wanted. But in private society it was well known that the medical officers of the navy were constantly complaining, while the most distinguished members of the medical profession on shore were crying out against the treatment of medical men in the navy. Let the House reflect upon the situation of the Baltic fleet, and the probable number of wounded men if that fleet went into action, and then let them inquire why the Admiralty were sending out pupils to act as surgeons? Now was the time to act, before the mischief occurred. He understood that 100 young men now occupied a subordinate position as dressers in the Baltic fleet, who were simply pupils, and who were consequently quite ignorant of their profession. There was no doubt an objection on the part of highly qualified medical men to enter the Royal navy. He would give his vote without hesitation for the appointment of another Committee of Inquiry, and the sooner they entered upon their labours the better.

Sir GEORGE GREY said, that the hon. Member for Birmingham (Mr. Muntz) had assumed that the Government opposed any inquiry into the state of the medical departments of the army and navy. But was that a proper explanation of the course taken by the Government? His hon. Friend (Mr. Peel) had stated the reasons which led the Government to the conclusion that it was inexpedient that the Committee now proposed to be appointed should sit while an inquiry was already going on upstairs embracing this among other subjects of inquiry. His hon. Friend had also stated that it was admitted abuses existed, and that the proposal for inquiry by a separate Committee would meet with the willing concurrence of the Government if the House thought it desirable, after the inquiry now going on had been concluded and the Committee had made their Report. A great portion of the time and attention of the Committee now sitting upon the state of the army before Sebastopol, had been devoted to the medical department of the army, and the more useful and proper course, he considered, would be to wait until this subject had been fully inquired into by them. The only Member of the Committee who had addressed the House (Mr. Ellice) had taken this view, and had also stated that very shortly the Report of that Committee would be laid before the House. The Government were anxious that these departments should be placed in an efficient state. Motives of humanity and policy alike guided them in this desire, and the Government would be very thankful for any assistance which a Committee of that House could give them in improving the efficiency of these departments. But the Government thought there ought to be some regularity in the proceedings of the House, and that the House should wait and see what one Committee recommended before they appointed another. If eventually the House should think it desirable to refer this subject to a separate Committee, it would be an advantage to that Committee to have the evidence before them now being taken by the present Committee. The question affecting the naval branch of the profession was a mere question of detail as compared with the other. The hon. and learned Member (Mr. M. Chambers) had mentioned as a proof of the indisposition of medical men to enter the navy, that there was now with the Baltic fleet a number of very incompetent men, who were pupils. But the House ought to understand that there had been a certain number of pupils appointed to do duty with that fleet, but that they were supernumeraries, and not subordinates acting as surgeons or assistant surgeons. The full complement of surgeons and assistant surgeons existed in the Baltic fleet, and these dressers who were sent out might hereafter become assistant surgeons, when they had seen sufficient practice and acquired sufficient skill. He trusted the hon. and gallant Member who brought this Motion forward would consent to withdraw it, and bring it forward at a future period.

Sir GEORGE PECHELL said, that if the Motion had been limited to the army he might have been content to wait for the Report of the Sebastopol Committee, but after the speech of the hon. Member for Leitrim (Mr. Brady), as to the treatment of medical men in the navy, he would not refuse to give his vote in favour of this inquiry? He regretted, however, that the hon. Gentleman had thought it necessary to speak with a tone of asperity respecting the conduct of the hon. and gallant Member for Gloucester (Admiral Berkeley), who, it would be found, had made great exertions with regard to the equipment of the navy.

Colonel BOLDERO, in reply, said, that he had had the honour of a seat in the House of Commons for many years, and that he never remembered a Motion to have been received with so much favour as that which he had had the honour of submitting that evening. It had been supported by both sides of the House, and even Members of the Government had made use of arguments in its favour. The Sebastopol Committee had concluded their evidence upon the medical part of the case, and he saw no reason why the inquiry which he proposed should be put off until their labours were completed, which might not be until the close of the Session. The present, therefore, was the best time for inquiry, and under the circumstances he could not consent to withdraw his Motion.

Question put.

The House *divided*:—Ayes 69; Noes 73: Majority 4.

SUNDAY TRADING (METROPOLIS) BILL.

Lord ROBERT GROSVENOR moved for leave to bring in a Bill to put further restrictions upon Sunday trading in the metropolis. He said the growing evils of Sunday trading had frequently occupied the attention of both sides of the House, and the inquiries that had been voted always resulted in a Report that the present state of the law was insufficient, and that further legislation was necessary. Therefore he did not expect that his Motion would meet with much opposition. It might be said that it was inexpedient at the present moment to renew an effort that had already been made several times without success, but his reply to that was, that the subject had never been brought under the consideration of the present Parliament. A former measure, introduced by the hon. Member for Lambeth (Mr. Wilkinson), had failed, but then the difficulties in the way of getting a Member's Bill through the House were almost insurmountable. He himself once proposed a small Bill, of three clauses in length, and it took him three Sessions to get it passed. The hon. Member for Lambeth also had had his Bill referred to a Select Committee, who so altered it as to render it, in the opinion of those who proposed it, entirely inoperative. He hoped he should have better luck. He had no intention of referring his Bill to a Select Committee, and the three hon. Gentlemen who were the strongest opponents of the Bill of the hon. Member for Lambeth had ceased to be Members of the House. He should go into the details of his Bill when it came to a second reading.

Viscount EBRINGTON said, he begged to second the Motion. On religious grounds he believed that the measure was one of urgent necessity, inasmuch as those persons most conversant with statistics of crime bore testimony to the evil effects of Sabbath breaking as the commencement frequently of a vicious career. It was also desirable, inasmuch as it would give to many persons that rest of body and mind for the enjoyment of which the Sabbath was originally appointed. He supported the measure also upon economical grounds, because, so far from believing that a restriction upon Sunday trading would be injurious to the interests of the labouring classes, he thought that the practical effect of such trading was to compel a certain class of persons to do seven days' work for six days' profit.

Motion made, and Question proposed, "That leave be given to bring in a Bill to prevent Trading on Sunday within the Metropolitan District and City of London and Liberties thereof."

Sir JOHN SHELLEY said, he was anxious to give every support in his power to a Bill for the prevention of unnecessary Sunday trading in the metropolis, but he should have liked to have heard a little explanation about it on the present occasion.

Motion *agreed to*. Leave given; Bill *ordered* to be brought in by Lord Robert Grosvenor, Viscount Ebrington, and Mr. Montagu Chambers.

Bill read 1°.

EDUCATION OF PAUPER CHILDREN BILL.

Mr. EVELYN DENISON said, he rose to move for leave to bring in a Bill to provide for the education of the children of poor persons in the receipt of out-door relief. His Bill was but a continuance of a system already in force, and might be considered as but supplementary to what had been already done. There were three Bills on the subject of education already before the House, but the noble Lord the Secretary for the Colonies and others had advised him to persevere. If the Bills at present before the House should receive their sanction, his Bill would be swallowed up and included in them. The object of his Bill was to enable the guardians of the poor to grant relief to the poor persons receiving relief out of the workhouses to enable them to provide education for their children, such education not being proposed to be made a condition of relief; the guardians not to compel attendance at any school to which the parents should object; the cost of this relief to be charged to the same accounts as other charges for the relief of paupers. He should have been glad to have introduced a clause charging a part of the expense to the Consolidated Fund, but the state of the Chancellor of the Exchequer's funds at the present time forbade him to think of any such proposal.

Leave given; Bill *ordered* to be brought in by Mr. Evelyn Denison, Mr. Labouchere, and Mr. Wilson Patten.

Bill read 1°.

SUPPLY—CIVIL SERVICE ESTIMATES.

The Report of the Committee of Supply was brought up and read.

On the announcement of the Education Vote of 100,000*l.*,

Mr. HADFIELD said, he was dissatisfied that so large a sum should be left in the care and management, which were so generally complained of, of the governmental departments. He objected to the principle of Government interfering with education at all. Education Votes were no more than moral poison to prevent the healthy action of the public spirit of the country. The voluntary system had done an enormous amount of good in respect of education. It was not the voluntary system that had failed in the country; it was the compulsory system that had done the mischief. Since the repeal of the Test Act there had been shown an amount of energy in the education of the people among the partisans of the voluntary system such as had not been surpassed in any part of the world at any time. Pouring out upon education money derived from the taxes of the country was giving a premium for the discontinuance of that mighty energy which had been shown during the last few years. During the last twenty-three years there had been at work that mighty influence which had attained the result of giving instruction to one in every eight, a result which the highest authorities some time ago declared would be highly satisfactory if it could be attained. One in seven of the population of the country were also in the course of moral and religious instruction in Sunday and night schools, by 318,000 ladies and gentlemen, a result which never could have been got from Government. He begged to move that the Vote of 100,000*l.* be disallowed.

Sir GEORGE GREY said, that had the hon. Gentleman been in his place the preceding evening he would have understood that it was agreed to defer the discussion on the Education Vote till that Vote was formally brought before the House. The present was only a Vote on account to defray existing claims of a pressing nature.

Resolutions *agreed to.*

The House adjourned at a quarter after Eight o'clock.

HOUSE OF COMMONS,

Wednesday, April 18, 1855.

Minutes.] Public Bills.—1° Despatch of Business (Court of Chancery).
2° Intestacy (Scotland); Affirmations (Scotland).

ADVANCES TO THE GOVERNMENT OF MONTE VIDEO—QUESTION.

Mr. MACARTNEY said, he begged to ask the hon. Gentleman the Secretary of the Treasury, whether a sum of 46,896*l.*, advanced to the Government of Monte Video in the year 1848, from the grant of civil contingencies, had been repaid; and, if so, at what period?

Mr. WILSON said, that in the years 1845 and 1846, during the time of the combined operations of the English and French squadrons, a certain amount had been advanced by the English Consul to the Montevidean Government. He found that the whole amount of the advances made by this country was 63,023*l.*, of which 35,000*l*, had been repaid, leaving a balance of 28,023*l.* of the advances yet unpaid. He was sorry that longer notice had not been given of the question, in order that he might have referred to the Foreign Office to ascertain whether any steps had been lately taken to recover the balance.

INTESTACY (SCOTLAND) BILL.

Order for Second Reading read.

Mr. DUNLOP, in moving the second reading of the Bill said, that its object was substantially to assimilate the law which now prevailed with regard to the property of intestates in Scotland with that in England and Ireland. In England, if one of a family predeceased his father, his brother or sister, the children of the deceased would take their father's share; but in Scotland that was not the case. The present state of the law was considered a great hardship, and the change would be hailed as a great boon. There was one provision of the Scotch law which he did not wish to alter. In England, if an intestate left both real and personal property, the heir was allowed both to take the real estate and to share in the personalty. In Scotland the heir was allowed the option either of taking the realty alone, or of collating; or, in other words, of adding the realty to the personalty, and sharing with the rest. He thought that that was the fairer rule, and he did not propose to make any change in that portion of the law. He had proposed, however, to make heritable bonds, which were almost identical with English mortgages, likewise divisible amongst the younger children; but, as that was a subject which ought perhaps to be taken up by the Government itself, he was willing to strike the clause out of the Bill, and to leave it to the House to declare by a separate enactment what should and what should not be regarded as real property.

THE LORD ADVOCATE said, he could not allow a change of so much importance in the law of Scotland to be made without making a few observations on the subject. He was glad the hon. and learned Gentleman had turned his attention to this subject, which was one of great importance and surrounded with difficulties. Lord Campbell had some years ago introduced a measure of a similar nature, and two years ago he (the Lord Advocate) had been pressed to bring in a Bill dealing with the question. On looking carefully into it, he found that it so branched out, and was so full of intricacies, that he asked the learned body to which he belonged to appoint a Committee to consider the provisions that would be desirable to carry it into law. He had sat on that Committee, and many of the principles contained in the Bill now before the House were approved by that Committee. Under these circumstances, although he objected to some of the details and propositions of the measure proposed by the hon. and learned Member, he did not mean to object to the second reading of the Bill.

Bill read 2°.

SEA COAST FISHERIES (IRELAND) BILL.

Order for Second Reading read.

MR. M'MAHON, in moving the second reading of the Bill, said, the object of it was to assimilate the fishery laws of Ireland to those of England. He particularly desired hon. Members to consider that this Bill did not form a necessary part of another Bill which stood for second reading, the Inland Fisheries (Ireland) Bill. They were totally unconnected, and their objects were altogether different. At present there was one law for the east and another for the west coast of the Irish Channel, and this anomaly also applied to different parts of Ireland itself, there being one law for Dublin Bay and another for Galway Bay. He would, therefore, revert to the ancient wisdom of our ancestors, and make the laws on this subject uniform. He considered that this diversity of law produced a very prejudicial effect upon the fishery trade of Ireland. In order that hon. gentlemen from England and Scotland might be made aware of the declining state of the Irish sea-coast fisheries, he would bring to their notice the fact that between 1848 and 1853 the number of fishermen had decreased from 70,000 to 38,000, while the number of boats had fallen from 15,000 to 11,000. Now, the complaints which his Bill proposed to remedy were these. In the first place by the Act of 1842, no one could catch a herring on the coast of Ireland in the daytime, without forfeiture of his net, and rendering himself liable to a fine of 5*l*. Again, no one could catch herrings in any other than a seine net; so that the poor fishermen upon the coast of Kerry were actually prohibited from attempting to take a single herring, although there might be a shoal of them in sight—unless he did so with what was termed a seine net. Well, he asked the House to repeal both of these prohibitions. Another provision of the existing law was this; that no one could use a trawling net upon the coast of Ireland, unless with the permission of the Fishery Commissioners; although upon the opposite coast of Pembroke, no such restriction existed—or ever had existed from time immemorial. And to show the injurious effect of such an enactment upon the fishing trade of Ireland, he would mention that one-third of the fish brought to Billingsgate Market were caught by trawling nets, by boats belonging to the port of London, the owners of which paid no less than 10,000*l*. a year for bait. He found, on searching into the question, that the Bill enacting this prohibitory provision was carried through this and the other House of Parliament in 1842 without a single comment; but he now appealed to English and Scotch representatives no longer to tolerate such exceptional legislation for Ireland. For be it observed, all other nations — the French, the Belgian, the Dutch—might come and trawl upon the coast of Ireland, yet the Irish fisherman was prohibited from doing so. Now the course pursued by the Irish Fishery Commissioners themselves supplied an argument in favour of the repeal of this last restriction; for what had they done to revive the almost extinct fisheries of Galway? Why they actually proposed to encourage trawling there; a practice which was stringently prohibited in the opposite bay of Dublin. Another provision of his Bill had reference to trammel nets, which were allowed in England, allowed in Scotland, but restricted in Ireland. The trammel nets were large nets formerly used by the poor fishermen—and were set during the lull of a storm to catch fish. Now, what did the House think was the real objection to the use of these nets? Why, the fear was that salmon might be taken by them. During the year of the famine the Society of Friends furnished the people of Pring on the coast of Ireland with nets to enable them to obtain a livelihood, but trains of those nets were forfeited every year during the famine, because they were not taken out of the water before the sun had risen. The object of the Bill was to give to the people of Ireland the right to fish on their own coasts to the same extent as that right was enjoyed by English fishermen, and by French and Belgians under the Convention Act of 1843. The next object of his Bill was to repeal certain bye-laws enacted by the Fishery Commissioners. The Commissioners ordered that no one should fish with nets at the mouths of bays or estuaries. Now, that regulation amounted in many parts of the coast to an actual prohibition to catch fish at all, for several descriptions of fish—the mullet, for instance, could only be taken in such spots with nets—so the consequence was the fish departing from the shores of Ireland were captured on the coasts of England and Scotland. And if hon. Gentlemen objected to the Bill curtailing the prohibiting powers of the Fishery Commissioners, he would remind them that in England there was no board in any way corresponding to the Fishery Board of Ireland, while in Scotland—where 14,000*l.* a year was expended by Government for the promotion of the deep-sea fisheries—although a Fishery Board did exist, yet it never attempted to impose restrictions upon the people. The two remaining clauses of the Bill had for their object—the first to revive an old clause of the Act of Charles I., securing to fishermen the right to go on the shores of the sea for drying their nets and hawling fish ashore; the second to re-enact the provision of the Act of George III., also repealed in 1842; and which enacted that all subjects of the Realm should have perfect liberty, without let or hindrance, to fish upon all the sea coasts of Ireland. That was a provision which he was sure would recommend his measure to the consideration of English and Scottish representatives; and he would sit down earnestly imploring them to support him in this attempt to assimilate the fishery laws of the three kingdoms.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. NAPIER said, he rose to move that the Bill be read a second time that day six months, and he thought he would have very little difficulty in proving to English and Scotch representatives in whom the hon. and learned Gentleman (Mr. M'Mahon) seemed to have much more confidence than in Members from Ireland, that they ought to join in rejecting this measure, as well as the second Bill having reference to the inland fisheries. The two Bills were vitally and essentially connected, and had previously been kept together; but this Session the Bills were separated. Now, the effect of passing this Bill, to say nothing of the subsequent one, would be simply this—that whereas a bye-law at present existed which affected the river Slaney, which was in the county of Wexford, represented by the hon. and learned Gentleman (Mr. M'Mahon)—now up that river a tideway or estuary went for a considerable distance—but by a bye-law passed in 1854, the fishermen on the Slaney were restrained from fishing with seine nets during the close seasons between certain points on the river. Well, the effect would be that that portion of the river would be exposed to the operations of constituents of the hon. and learned Member. Indeed, he might lay it down as a general rule with reference to these Irish Fishery Bills, which were brought in year after year, that if one were made acquainted with the particular restrictions or customs prevailing in the locality represented by the mover, a pretty correct conjecture might be formed as to what would be the main clauses and principal points of any Bill. He believed no one would be disposed to deny that the salmon fisheries of Ireland were beginning to flourish, and that the code of laws framed to regulate the Irish fisheries were at last working most beneficial effects. From every locality in Ireland testimony was offered to that fact, and yet they were now asked to repeal the Act of 1842 and subsequent Acts, under which all that good had been effected, and to derange the vested rights acquired. Let the House, at the same time, observe that the Bill now before them applied not merely to the sea coast, but to harbours and estuaries, which might be termed the very nursery of the fisheries, where the fish were most exposed, and where, therefore, it was most necessary they should be protected. He was assured from many quarters, that by an attention to that fact, and by affording to the fish that protection, the result had been that both public and private rights had been largely benefited by the increase in the supply of fish. And this matter was of the greatest moment to Ireland, inasmuch as this country was indebted to Ireland, in a great measure, for the supply of salmon. So far from it being considered generally desirable that the fishery laws of Ireland should be assimilated to England, it was actually a fact that applications had been made from many quarters in England to have their laws assimilated to those of Ireland. As for the law of Scotland, it was well known that it was surrounded by strong guards. He owned to feeling very strongly on the subject; so much so that, immediately on the present Bill making its appearance, he had called on the noble Lord at the head of the Government to take his stand in opposition to it. The effect of these annual attempts upon the fishery laws of Ireland, as expressed in the petition of the Limerick conservators, was to keep the people of that country in a continued state of nervous anxiety, and to prevent the investment and application of capital to the fisheries. The present Bill proposed to sweep away all the Acts down to 1851, and to assimilate the law of Ireland to that of England. Now, did the hon. and learned Gentleman suppose that regulations introduced with reference to the Severn and the Thames would be applicable to the Slaney and other Irish rivers? The haunts of the fish no more than the habits of the people of the two countries were alike. As for the ground of complaint that the Fishery Commissioners possessed the power of making bye-laws, the hon. and learned Gentleman seemed to be unaware that the Commissioners for Scotland possessed a similar power; while, with regard to the prohibition to fish for herrings by day, he believed that nowhere was herring fishing carried on otherwise than by night. Again, with respect to trawling, those bye-laws only extended to six or seven places northward of the bay of Dublin; while to the south of it—including the coast of Wexford, where the fisheries were in a worse state than any other part of Ireland—no restrictions existed. And, let it be further observed, these prohibitions as to trawling were enacted on the application of the fishermen themselves. All the Reports recently presented show a vast increase in the amount of salmon captured, and in the production of the fish. This improvement was almost entirely owing to the Act of 1848, introduced by the right hon. Member for Canterbury (Sir W. Somerville). If they repealed the Acts referred to they would be taking away all those protective measures which regulated the practice of fishing in estuaries, and disturbing all those vested rights that had heretofore been recognised. It was owing to the existing system and the existing laws that the fisheries had improved so wonderfully of late years, and it would be a narrow-sighted policy to kill the goose for the purpose of obtaining the golden egg. The proposed Bill, instead of doing good, would materially injure the trade itself. This was by no means a wise or a fair way of dealing with the subject. As to the licensing system, if there be any hardship arising out of it, he would be most happy to give his best assistance in the way of improving it. The amount of money, however, demanded under this system was in his mind but a small sum to pay for the liberty of fishing in rivers so wisely protected by those laws. As to the objections urged against the wording of those laws, he would remind the House that the Common Law Procedure Act of his hon. and learned Friend the Member for Enniskillen (Mr. Whiteside) got rid of all the old jargon of the Statutes of Charles. But the hon. and learned Member for Wexford said that there were no such regulations existing in connection with the fisheries of England and Scotland. If the hon. and learned Member had but looked into the Report upon the Irish fisheries presented to the House in 1852, he would find that there were similar regulations made for the English and Scotch fisheries. He need only point to the Convention Act with Scotland, and the old Statute of the 13th & 14th Charles II. to prove the legality of those regulations. The hon. and learned Gentleman, however, proposes to give indiscriminate power to break through all the existing regulations upon the subject in Ireland; and this he calls a mode for assimilating the fisheries of Ireland to those of England and Scotland. By the repeal of the provisions of the Act 59th George III., all the regulations now in force, and which had been found excellently adapted to promote the interests of the Irish as well as the Scottish and English fisheries, would be abolished. He (Mr. Napier) appealed to the House generally not to assent to such a proposition. It was most important that all those rights of property should be placed under proper regulations. The Act of 1851 established local boards of conservators for the protection of the salmon fisheries. There was a large fund created for the purpose of paying water bailiffs to protect the rivers. The result has been the greatest improvement in the production of spawn and of fish; so that there has been of late years a vast increase in the quantity of salmon brought to market. That trade was now in as hopeful a state as any other trade in Ireland. He had always taken a warm interest in this question, and since he entered Parliament he had endeavoured to improve the fisheries of Ireland by every means in his power. He had heard several most unfounded statements made upon the subject. The late Member for Youghal, for instance, at one time stated that there was no such thing as a several salmon fishery in Ireland. The case, however, of the Duke of Devonshire, which was a remarkable one, established the existence of several fisheries. What makes the peculiarity in Ireland? The mixed and varied rights over the rivers. There were public as well as private rights to be protected. It was the duty of the Legislature to watch over the interests of all parties, and to secure a proper and a cheap supply of fish, for the markets. As regards the River Slaney, in Ireland, one of the bye-laws regulating the fishery stated, that during the close season for salmon, the use of nets was not permitted. Now the hon. and learned Member wished to abolish all those bye-laws and regulations in regard to estuaries. Why the hon. and learned Gentleman, by doing so, would be greatly injuring the very interests which he professed so much anxiety to serve. He (Mr. Napier) found many intelligent persons who were loud in their complaints against those laws so late as 1849, but who were now perfectly satisfied that their working was most advantageous. What was the fact? Why, during the last year the supply of salmon had been doubled—a result which he attributed to the great increase in their production, occasioned by the employment of conservators. He was rejoiced to see the improved habits of the country generally, and the improvement which was gradually going on within the last few years. He certainly thought it would be desirable if those laws relating to the Irish fisheries were consolidated and properly amended. With regard to the fines and penalties, they were originally intended to form a fund for the payment of the watermen; but they were now diverted from that object. Some alteration in respect to this part of the subject might be made with advantage. He believed that nothing more was wanted in Ireland than the improvement of the people by education—the encouragement of trade—the introduction of capital, and the increased intercourse of the two countries. By measures that would carry out these objects, he believed that Ireland would gradually advance to a high pitch of improvement. The want of a sufficient number of curing-houses for fish was much felt; but he believed that the Society of Friends had effected a vast deal of good by enabling the people of Ireland to establish these curing-houses. The rivers of Ireland were well stocked; and it was a sad thing to think that so many persons should have suffered from the want of food during the existence of the famine while there was an abundance of fish to be had in those rivers. The English fishermen, who periodically come over, were enabled to take away large quantities of fish, while the Irish people themselves appeared to be doing nothing. There was the Shannon, a noble and a splendid river—a mine of wealth in the way of fish. It was just at the moment when the conservators reported the most encouraging facts as to the Irish fisheries that the House was called upon to pass a Bill repealing all those laws and regulations under which the trade had so wonderfully increased. He hoped that these annual attempts to disturb the existing code of laws would be now given up, and that no further impediment would be thrown in the way of the improvement that was gradually going on. Such a measure as the present would, in effect, confiscate and disturb the existing vested rights. He, therefore, felt it his duty to interpose his opposition at this early period, from a conviction that nothing more disastrous to Ireland could occur than to pass either of the Bills proposed by the hon. and learned Member, or even to leave the impression upon the people of Ireland that there was a possibility of any such Bills being passed by the British Parliament. Within the last few days he had met with a work upon the subject of the Irish fisheries, written by Dr. Davy, in which the author expressed an opinion favourable to the extension of the Irish Acts to England. Whatever amendment was to be made in those laws, he thought that it ought to be made quietly, and to be of a practical character. The salmon fishery was now progressing most satisfactorily. The artificial propagation of the fish by Mr. Phillips, although at present only an experiment, was likely to turn out to the greatest advantage. He hoped that they would hear no more of those Bills—and if defeated now, the result would not be like the inquest that had sat lately upon the body of a boy in Ireland, which was abruptly stopped in its investigation by the circumstance of the boy coming to life and proving the uselessness of its labours.

MR. WHITESIDE seconded the amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. DUFFY said, he was sorry that the right hon. and learned Gentleman (Mr. Napier) should have thought it necessary to impute personal motives to the hon. and learned Member for Wexford (Mr. M'Mahon) in connection with these Bills. It was within his own knowledge that long before the hon. and learned Gentleman was Member for Wexford, he had taken the same identical views which those Bills meant to establish in an article, which had been often quoted, in the *Dublin Review*. Before the Committee which sat in 1849, that hon. and learned Member was a material witness, and in his evidence maintained the same opinions. He (Mr. Duffy) trusted that those facts would be taken as a sufficient answer to the charge made against the hon. and learned Member of personal motives. He would also remind the House that the hon. and learned Gentleman had that day presented a petition, numerously signed, from the captains and crews of vessels engaged in the trade with Dublin and elsewhere in favour of these Bills. Such persons could not have any special interest in the River Slaney. But the right hon. and learned Gentleman the Member for the University of Dublin did not really apply himself to the question raised by those Bills. The question was this—whether the people of Ireland were entitled to catch their own fish upon the same terms as the people of England, of Scotland, of France, or of Belgium. It seemed to him to be a rare piece of inconsistency for the House of Commons to refuse the people of Ireland those English laws when they asked for them. Here was a law which had existed only twelve years, which no one but the proprietors of salmon weirs approved of, and which all persons connected with the trade of the country complained of. Was this law, then, to stand in the way of the justice of that House? If Irish fish were aliens in blood and nature, as had once been said of the Irish people, there might be some reason for dealing with them in a special manner; but this was not pretended by any one. He thought that a most irresistible and overwhelming case had been made out in favour of these Bills.

MR. GEORGE said, in rising to support the Amendment, he felt that if he attempted to enter at any length into the subject he would be only weakening, instead of strengthening, the plain and unanswerable arguments advanced against the Bills by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier). Although he represented the same county as the hon. and learned Gentleman who had introduced the Bills, he took a different view altogether as to the policy of such measures. He denied the right of his hon. and learned Colleague to call those Bills measures for assimilating the laws of England to Ireland. They might, he thought, be more aptly called measures to annihilate and destroy all the laws relating to fisheries in Ireland. During the last few years there had been a manifest and extraordinary improvement in the fisheries of the rivers of Ireland, and the quantity of salmon that had been taken there had been trebled or quadrupled. He therefore, thought, that the time was most ill chosen to attempt to alter those laws which were found to be of such practical benefit to the country. Believing that the repeal of those laws would prove most injurious to the poor fishermen themselves, he was there to prevent, as far as he could, the adoption of those measures. The effect of the measures would be to prevent the salmon going up the rivers for the purpose of spawning, and any that did get up would be destroyed in their passage down the rivers to the sea. The junction of the estuary with the sea was the most critical spot of all, and the one where it was most needful to afford protection; yet this was the precise point at which it was now proposed that protection should stop, and the fish should be abandoned to the mercy of every person who chose to catch them, no matter with what tackle or instruments.

Mr. MONTAGU CHAMBERS said, he had understood, although he hoped he was in error, that Irishmen were in many instances deprived of the privilege of fishing in their own seas, and that they did not even enjoy the privileges that were possessed by Englishmen. The Act 6 & 7 *Vict.*, cap. 79, gave British and French fishermen the general right of fishery at and beyond a distance of three miles from low watermark, while the 5 & 6 *Vict.*, cap. 106, sec. 7, prohibited Irishmen from fishing upon their own coasts with particular descriptions of nets, the construction of which was cheap, and which were worked very inexpensively. He thought, then, that if greater restrictions were imposed upon Irish fishermen than existed with regard to English fishermen in Irish waters, it was the duty of the House to interpose. If their object was to give the Irish poor that most valuable possession, self-respect, they must give them the means of labour. Wherever the Irish had work to do they were ready to do it, and it was useless for the right hon. and learned Member for the University of Dublin (Mr. Napier) to call, "Educate, educate, educate!" while the people of Ireland were asking for "Bread, bread, bread!" and the means of earning a livelihood. He (Mr. Chambers) trusted that the House would, by passing this Bill, so far contribute towards affording the poor population of Ireland a means of subsistence. He believed the adoption of the measure would do much to encourage and extend the coasting trade, which had in former days been a nursery for the navy. If they threw open the seas of Ireland to the industrious exertions of her fishermen, they would at once have a new race of seamen springing up. A large number of boys would enter into the fishery trade, and, becoming practised sailors, would volunteer into the navy, and by declaring the freedom of the Irish fisheries they would create a strong force of seamen available for any emergency.

Mr. WHITESIDE said, he must deny that under the law as it now stood French and English fishermen enjoyed privileges not possessed by the Irish as to the taking of fish. The Act 6 & 7 *Vict.* gave the Privy Council the power to suspend the operation of the Act 5 & 6 *Vict.*, and to make such regulations as they deemed fit for the management of the fisheries on the coast of Ireland, so long as they were carried on only by subjects of Her Majesty. Now he (Mr. Whiteside) had never seen a French fisherman on the coast of Ireland, but he had seen Cornish men engaged in the herring and pilchard fishery, and last year he was informed that 200 boats from the English coast had caught fish to the value of 40,000*l.*, or 200*l.* each boat, on the Irish coasts—on those very coasts on which, according to some hon. Members, there was now no fish. Again, it was no doubt true that by the 5 & 6 *Vict.*, Irish fishermen were precluded from using certain nets, such as seine and trawl nets, by night; but that was also modified by the 7 & 8 *Vict.*, which gave an appeal to the Privy Council against the regulations which the Fishery Commissioners might make on this point. And so far from the regulations that were actually in existence being injurious to the fishermen, they tended to their protection, by preventing the adoption of methods of fishing which were destructive to the fish. So far had the Acts at present in force been from checking the employment either of men or of capital in the Irish fishery that he found the number of boats, and men and boys employed, were as follows—

	Boats.	Men and Boys.
1836	10,761	54,119
1844	17,955	84,708
1845	19,863	93,073
1848	15,932	70,011

The reason of the decrease in the latter period—at least of men and boys—was, that they were not, he was sorry to say, in the country. Such had been the rise in the rate of remuneration in Ireland that Mr. Dargan told him the other day that good workmen were not now to be had at 10*s.* a week, while he (Mr. Whiteside) recollected the time when 4*d.* and 6*d.* a day were the ordinary wages. Under those circumstances, it was not surprising that so many persons were not engaged in the fisheries. He certainly wished that the men were there, for if the Irish population had not been so materially diminished he thought we should have beaten our enemies, the Russians, more quickly than we now seemed to be doing.

Mr. KEOGH said, the Act for carrying out the French convention only applied to the fishing of foreigners more than three miles from the coast. Now, the Act of which the hon. and learned Member for Wexford (Mr. M'Mahon) complained related to restrictions imposed upon fishing within three miles from the coast. It was true that the Fishery Commissioners could make regulations for the ordering of the fishery within those limits, but they had not despotic power in this matter, for before they could enforce any bye-laws they must give public notice of them, and any one who objected to them might appeal against them to the Lord Lieutenant. These bye-laws must, moreover, be considered by the Privy Council and the law officers of the Crown, and must be approved by them before they could be put in operation. He therefore denied that any of these bye-laws restricted the deep-sea fishery. They all, without exception, related to fishing between particular head lands on the coast. He believed that the provisions of the existing Acts, enabling the Fishery Commissioners to regulate the mode of fishing, were of the greatest possible advantage to the poor, because they protected their interests, guarded them against poachers, and tended to the increase of fish. He had seen a letter addressed to an hon. Member of that House from a man who described himself as a member of the guild of the snap-net fishers of the Shannon, stating emphatically that the Bill proposed by the hon. and learned Member for Wexford would be injurious to the interests of his class, as tending to promote poaching, and to cause a great diminution of fish. It was not the fact, as seemed to have been assumed, that these restrictions upon fishing were peculiar to Ireland. Similar regulations were in force in England and Scotland, and with a similarly beneficial effect in increasing the produce of the fisheries.

Mr. M'MAHON, in reply, said that the Bill had no connection whatever with the inland fisheries of Ireland, but solely related to the question whether Irishmen were to have the same privilege on their own coasts as they would have on the coasts of England, Fance, America, or any other country, or as the people of those countries would have on the coasts of Ireland.

Mr. Serjeant SHEE said, after listening to the debate, he had come to the conclusion that no answer had been given to the arguments used by the hon. and learned Member for Wexford (Mr. M'Mahon), who had charge of this measure. The argument of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier) against the measure was, that the sea-coast fisheries of Ireland ought not to be encouraged in the way proposed by the Bill, because their being so might inflict some injury on the vested interests of the proprietors of salmon fisheries in the rivers of Ireland. But it was notorious that those sea-coast fisheries in Ireland some time ago afforded employment for a large portion of the people of Ireland, while latterly, though the coast abounded with fish, the fishery had been almost put an end to, in consequence of the ridiculous restrictions which had been imposed. The object, therefore, was to place these coast fisheries on a proper footing, in order that they might afford a means of living for a large portion of the population, as well as be a sort of nursery for seamen for the navy; for it was well known that, in consequence of the deterioration of the Irish fisheries, but few seamen were contributed by that country to the navy. If it was the case that the measure now proposed would injure the inland fisheries, which he did not believe, then let those parties whose interests it would interfere with be compensated, rather than allow this legitimate and profitable source of industry to be shut up from the people.

Mr. KENNEDY said, all that was wanted was to assimilate the law of Ireland in relation to fisheries to that of England, the circumstances of the case in both countries being the same. It seemed, however, to be a feature in all legislation for Ireland to assimilate the law of Ireland with that of England, where the circumstances were totally different, and to dissimilate it where the circumstances were exactly the same.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 19; Noes 145: Majority 126.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *put off* for six months.

INLAND FISHERIES (IRELAND) BILL.

Order for Second Reading read.

Mr. M'MAHON said, he did not mean to enter into details with regard to this Bill, which also stood for a second reading; but he would just state that it had for its object, not as had been said, the destruction of the salmon fry, but its protection. For the present he should withdraw the Bill; but as long as he had a seat in that House he should never rest contented until both as regarded the inland fisheries and the sea-coast fisheries his constituents and the whole population of Ireland were placed in the same position that they would occupy if they resided in England or in America.

Order for second reading *discharged.*

TENANTS' IMPROVEMENTS COMPENSATION (IRELAND) BILL.

Order for Second Reading read.

MR. SERJEANT SHEE, in moving the second reading of the Bill, said, it was too late (half-past four o'clock) then to discuss the principle or the details of the measure, but he appealed to hon. Gentlemen to consider whether, when almost every word of the Bill had received the assent of the House, after long discussion, and an inquiry by a Select Committee, it would be reasonable to oppose the second reading. He appealed to hon. Gentlemen on that side of the House whether it would not facilitate a proper settlement of the question to allow the Bill to be read a second time that evening, reserving all discussion until the Motion for going into Committee was made, and he likewise appealed to the Government whether, considering the peculiar circumstances in which he had been placed by the discussion that day it would not be possible to give him a Government night. The present Bill differed very little from that which received the assent of Lord Aberdeen's Government in that House, and did not differ materially from the Bills introduced by the right hon. and learned Member for the University of Dublin (Mr. Napier) when he was Attorney General for Ireland under Lord Derby's Government.

MR. HORSMAN said, that on the part of the Government, he fully admitted the importance of the measure, it being an embodiment of two measures which had already received the sanction of that House. He thought, therefore, that the House ought to give every facility to the hon. and learned Member in proceeding with the measure. As to the Government giving a day for the discussion of it, the next Government night was set apart for the Budget, and after that the Newspaper Stamps Bill would come on, so that until these important questions were got through, and which would no doubt occupy the House for some time, no other business could be allowed to interfere. But after those questions were disposed of, he should think that Government would be disposed to give every facility for proceeding with the measure. He would not give any pledge on the subject, but he had no doubt such would be the case. So far as the Government were concerned there could be no objection to have the Bill read a second time now, and take the discussion on its going into Committee.

MR. NAPIER said, he wished to explain to the House how the case stood in respect of this Bill. Some time ago he had put a question to the noble Lord at the head of the Government as to what was the intention of the Government respecting it; but to that question he had got no satisfactory answer. The measure was composed partly of his (Mr. Napier's) Bill of last Session, the Leasing Powers Bill, and partly of Sir John Young's Tenants' Compensation Bill, which latter measure, after being considered by a Select Committee of the House of Lords, was rejected by that Committee with the full concurrence of the Members of the late Government, many of whom were also Members of the present Government. Now, the question he wanted to be answered was, whether Ministers meant to support the present Bill, brought in by the hon. and learned Serjeant in all its entireness. The experience of last Session convinced him that the two Bills which came down from the House of Lords—namely, the Leasing Powers Bill and the Landlord and Tenant Bill—constituted as large a measure on this subject as the most sanguine could hope to pass through Parliament; but both of those Bills were most unexpectedly abandoned by Sir John Young, because he was pressed to do so by those Irish Members who placed confidence in the Government, and, as he (Mr. Napier) did not happen to be among that number, he was thrown overboard. Well, the hon. and learned Serjeant in framing his present measure did not take the two Bills which passed the House of Lords last Session, but he took a Bill which had been rejected by the House of Lords, and tied it to another which had passed the House of Lords, and thus compounded the present measure. Again, he wished to inquire whether those Members of the Government who assented to the rejection of the Tenants' Compensation Bill in the House of Lords were now prepared to support the present measure. In his opinion, the Bill was nothing but a delusion, because it could not be expected that it would ever pass through Parliament; and he certainly would be no party to a delusion on the people of Ireland. Would the Government support the Bill as it stood in all its integrity, in both Houses of Parliament, and, if not, what course did they propose to take when the Bill got into Committee.

Mr. KEOGH said, he did not complain of the right hon. and learned Gentleman availing himself of this opportunity of stating his objections against the measure, but he did think his right hon. Friend the Secretary for Ireland had some reason to complain of his conduct. They were now arrived at within five minutes to five o'clock, and the time for discussion was, therefore, necessarily short. It was well known that the noble Lord at the head of the Government could not be present, as he was at Windsor, and he was sure every one would rejoice at the cause of his absence. Well, then, what had occurred? The House had been engaged for four hours most unprofitably, as he considered, in discussing a measure which had been rejected, and the promoter and author of which, being a warm supporter of the measure now before the House, it might have been supposed would have given way for the discussion of this important measure. That, however, he had not done, and it had not, therefore, been the fault of the Government that time had not been given for the discussion of this measure. Well, then, when it was brought on towards the close of the sitting, the hon. and learned Gentleman who had charge of the measure, seeing there was not time for the discussion of it, put it to the Government whether they would not give him a day for the discussion of it. In that appeal he was met by his right hon. Friend the Secretary for Ireland, who stated that he could not pledge himself now that a day would be given, but that he would use every exertion in his power, and give every facility for having the measure proceeded with. With that assurance the hon. and learned Gentleman the Member for Kilkenny seemed perfectly satisfied. Then the right hon. and learned Gentleman the Member for the University of Dublin rose and asked what were the intentions of Government respecting the measure. Why did he not do so previous to his right hon. Friend the Secretary for Ireland (Mr. Horsman) rising? If he had done so, he would have been told what the intentions of Government were on the subject when the question came properly before the House — it would then be quite time enough for the Government to say what they would do with the measure in that House, as well as in the other.

Mr. WHITESIDE said, he did not think they ought to be satisfied with the attempt at explanation by the right hon. and learned Gentleman the Attorney General for Ireland, but that they ought to consider whether they would allow the interests of Ireland to be systematically trifled with by an imbecile Ministry. The noble lord at the head of the Government was a member of the Committee which sat on this subject, and was the person who proposed the rejection of the Bill of the hon. and learned Member for Kilkenny, (Mr. Serjeant Shee.) The Bill had been styled mischievous and absurd by Members of the Government in the other House, but now the House had been told that the Government would support its second reading. The hon. and learned Serjeant, in introducing the present measure, plainly intimated to the noble lord at the head of the Government that if he voted for it he should remain Prime Minister; but if not, "I belong," significantly observed the hon. and learned Serjeant, "to a party on whom the fate of Ministries depend." He believed that the noble lord had taken counsel with the right hon. Member for Wells (Mr. Hayter) as to the number of votes which might be acquired for the Government by taking a certain course, and was now, as far as the statement just made by the right hon. Gentleman the Secretary for Ireland could be understood, prepared, in order to strengthen his ricketty Administration, to support provisions which he had formerly opposed. He asked Irish Members whether they believed in the sincerity of the Government, in their promise to support the measure, and whether the Government were not practising on the country a delusion and a sham. He emphatically denounced the conduct of the Government as an imposture. But the Bill could not pass the present House of Lords, and he asked whether the hon. and learned Serjeant believed in the sincerity of the noble lord the Member for Tiverton (Viscount Palmerston) and conceived that that noble lord would advise Her Majesty to create peers for the purpose of passing a measure which would enable tenants to demand compensation for what had been done in the time of their grandfathers. He had actually been informed by an attorney that this Bill, if passed, would apply to all estates purchased under the Encumbered Estates Act. If that was the case they would have petitions from every purchaser under this Act against *ex post facto* legislation of so iniquitous a character. Allusion had been made to the conduct of the Government of the Earl of Derby on this subject. He might tell the House that when Lord Derby was asked, on the day on which the opinion of the House was to be taken on the Budget of his Government, whether he would support the Bill of the hon. and learned Member for Kilkenny, that noble lord answered plainly that he would not; upon which a gentleman said to him (Mr. Whiteside) that that was a foolish answer, because it had lost Lord Derby twenty votes. It was, however, a declaration in accordance with the spirit of the English people, who liked straightforward and candid conduct, and very different from the language held by the present Ministers, whose purpose appeared to be to cajole the Irish and Liberal members of that House, and in the event of a dissolution to get up an election cry for Ireland. He protested against dilly-dallying with a measure of this kind in that House, and which if sent up to the other House, would assuredly be opposed and rejected. They ought to know distinctly what Government meant to do with the Bill. Let a day be fixed for the discussion, and they would appeal to the House to put an end to a system of delusion which was bringing discredit on Parliament, and which would inflict the greatest injustice on Ireland.

Mr. J. D. FITZGERALD said, that this was not the first time that he had heard the two hon. and learned Gentlemen opposite make speeches such as they had just delivered; and, if he were not mistaken, he had heard the same observations, word for word, fall from them last Session. The Government were accused of intending to support a measure which was denounced as a sham and imposture; but he might remind the House that a measure quite as extensive was introduced by the right hon. and learned Gentleman (Mr. Napier) when Attorney-General for Ireland. It was, indeed, that right hon. and learned Gentleman who first introduced what it was now convenient to call a sham and imposture. That right hon. and learned Gentleman's measure contained not only the principle of giving compensation to tenants for improvements, but also a clause retrospectively affecting, without any limit as to time or the nature of the improvements, the relations of landlord and tenant. The Bill to which the right hon. and learned Gentleman referred as having been rejected by the Lords was the Bill brought in last Session by the hon. and learned Serjeant (Mr. Serjeant Shee) and, after reference to a Select Committee, modified by amendments proposed by Sir John Young then Secretary for Ireland. The imputation of shilly-shallying, if it was attributable to anybody, was attributable to the Government of which the right hon. and learned Gentleman had been a member, for the Compensation Bill which he introduced in that House was almost immediately condemned by several supporters of his Government in the other House, who intimated their intention to offer it all the opposition in their power. The course pursued now by the right hon. and learned Gentleman was neither consistent nor convenient, and he trusted it would not be supported by the House.

Mr. G. H. MOORE said, he hoped the House would now read the Bill a second time *sub silentio*, on the understanding that the discussion should be taken on going into Committee, when, as the right hon. and learned Gentleman the Attorney-General for Ireland had promised, the Government would be ready to state their intentions with respect to it.

Lord NAAS said, he wished to say that the Bill originally introduced by the right hon. and learned Gentleman the Member for the University of Dublin and the Bill now before the House were totally and essentially different. He feared that the people of Ireland were now further than ever from the boon they had hoped to obtain. He must say he thought the House ought not to consent to the second reading until the intentions of the Government were made known.

Mr. FRENCH said, he thought that the second reading should be disposed of at once. If any more time were put off, the Lords would have the usual excuse that the Bill came up too late. He hoped the right hon. Gentleman (Mr. Horsman) would induce the other Members of the Government to allow it to come on on an early day.

Mr. H. BAILLIE said, he thought that a Bill of this kind ought not to be allowed to pass a second reading without a division. It was too bad to bring on a Bill of such importance when only one Member of the Cabinet, the right hon. Baronet the First Commissioner of Works (Sir W. Molesworth) was present.

Mr. SERJEANT SHEE said, he must

charge the Opposition with violently opposing out of office a measure which they had supported when in office. With regard to the opposition of the hon. and learned Member for Enniskillen (Mr. Whiteside), he rather preferred being opposed by an hon. and learned Member who was always placing his party in ridiculous predicaments. He (Serjeant Shee) had crossed to the Government side of the House in order that he might see the hon. and learned Gentleman's relative (Mr. Napier) blushing for the reckless indiscretion of the hon. and learned Gentleman, and tugging him by the tail of the coat, and imploring him for God's sake to sit down. The hon. and learned Gentleman was a perfect Barabbas to his party. He was clamorous for justice to his constituents when out of office, although when in office he denied them the smallest meed of commiseration. The principle of retrospective compensation to tenants was contained in the Bill of the right hon. and learned Gentleman the Member for the University of Dublin; but he had afterwards used all his influence to prevent the Tenants' Compensation Bill passing through the House of Lords, and he was now endeavouring to play the same game, simply because the Bill was supported by the present Government, and was not introduced by a Government of which he himself was a Member.

Mr. BENTINCK said, he must call upon the House to reject the propositions of the hon. and learned Member for Kilkenny, on the ground that the House was in ignorance of the intentions of the Government with respect to it.

Mr. GEORGE rose to address the House but it being now a quarter to six, Mr. Speaker interfered, and the Debate was adjourned till *Friday*.

ADJOURNMENT OF THE HOUSE—VISIT OF THE EMPEROR OF THE FRENCH.

Mr. A. STAFFORD said, that as many hon. Members would, no doubt, desire to be present at the ceremony in the city tomorrow, on the occasion of the visit of the Emperor and Empress of the French, it would be more convenient, he considered, if the House were to adjourn over tomorrow, and he would therefore move that the House at its rising adjourn until Friday.

Mr. FRENCH seconded the Motion.

Motion *agreed to*.

The House adjourned, at ten minutes before Six o'clock, till *Friday*.

Mr. Serjeant Shee

HOUSE OF LORDS,

Thursday, April 19, 1855.

Minutes.] Public Bills.—1ª Convention with Sardinia.

2ª Lands Improvement Company; Jurisdiction of the Stannary Court Amendment.

Their Lordships met; and having gone through the business on the Paper,

House adjourned till To-morrow.

HOUSE OF LORDS,

Friday, April 20, 1855.

Minutes.] Public Bills.—2ª Convention with Sardinia.

THE MILITARY AT THE ASSIZES.

Lord CAMPBELL gave notice of his intention to ask his noble and gallant Friend the Commander in Chief a question relative to the order issued from the Horse Guards, forbidding the presence of soldiers in courts of law or in the streets of assize towns during the holding of assizes. He by no means complained of his noble and gallant Friend, who, in issuing the order, had only followed a precedent which had been long established. It was formerly supposed that the Judges might be overawed at the sight of red coats in their courts, and orders had consequently been issued forbidding them to appear, not only in the courts, but in the streets, during the holding of the assizes. He had at different times received applications from various commanding officers to allow their men to appear in the streets at such times, and not only had he on all occasions cordially granted the application, but had invited their presence in the Courts, and he had had the satisfaction of finding a considerable number of them among the spectators. At Shrewsbury, the commanding officer who made the application, pointed out the great inconvenience which would arise from the confinement of the men who were at the time billeted in the different public-houses of the city, and who would have been obliged, had the order been stringently enforced, to remain in their bedrooms during the whole of the assizes. Their Lordships were aware that there was a law which required troops to be removed a distance of two or three miles from any town during a Parliamentary election, but no law existed requiring their removal during the holding of the assizes, nor did he see that any danger was to be apprehended either to the independence of the Judge or the due administration of justice by allowing the presence of the militia or troops of the line in the courts or in the streets of assize towns during the progress of the trials. He should, therefore, ask his noble and gallant Friend whether there was any necessity for issuing the order in question, and, if not, whether the practice would be discontinued?

The LORD CHANCELLOR was extremely glad that his noble and learned Friend was about to put the question, for he had himself been struck, while a common-law Judge, with the absurdity of the regulation. The only exception to the rule that he recollected was at Chester, where the Judges lodged at the Castle, which, in point of fact, was the barracks, and the soldiers who remained there and who attended the court in considerable numbers were among the most orderly and attentive of the spectators.

Lord CAMPBELL observed that, so far from there being any variance between the Judges and the soldiery, there really was an alliance between them, for some of his predecessors, Chief Justices of England, had commanded armies.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, April 20, 1855.

THE FRENCH INDEMNITY FUND.

Mr. BOWYER begged to ask the Secretary to the Treasury, whether the sum of 23,707*l.* 10*s.* 10*d.*, which, by certain Parliamentary returns was stated to have been paid to Monsieur Ladebat, a French subject, out of the "French Indemnity Fund;" had ever, and when, been returned to that fund, and if so, whether Her Majesty's Government had any objection to lay upon the table of the House a return showing the application thereof?

Mr. WILSON said, that a sum of 23,707*l.* out of the French Indemnity Fund had been paid to M. Ladebat, a French subject; that payment was made under clauses of the treaty of 1815; the money had not been repaid, nor did he see any reason why it should be repaid. He had no objection to the production of any papers connected with the subject.

THE COLONIAL CHURCH.

Mr. DUFFY rose to ask a question with regard to the status of the Church of England in the Australian Colonies. He wished to ask the Under Secretary for the Colonies whether the Government had directed any departure to be made from the system of religious equality which had hitherto been established in the colonies of Australia; and whether the Royal assent had been withheld from a Bill which passed the Legislative Council of Victoria in November last, entitled "An Act to enable the Bishop, Clergy, and Laity of the United Church of England and Ireland, in Victoria, to provide for the regulation of the affairs of the said Church."

Mr. J. BALL said that Her Majesty's Government had not given any directions on the subject to which the question of the hon. Gentleman related, and he had also to state that the Bill to which reference had been made had been referred to those gentlemen who usually examined those Bills which were sent to this country from the Colonies; but he himself had not seen the Bill, and could not, therefore, express any opinion as to its provisions. He might add that the measure to which the hon. Member had referred had not been sent to this country in consequence of any communication from the Home Government.

ADMIRAL THE EARL OF DUNDONALD'S PROPOSALS.

Captain SCOBELL asked the First Lord of the Treasury whether it was intended by Government to entertain the proposition of Admiral the Earl of Dundonald; and, if not, whether the Government would object to the "searching investigation" into the merits of the plan, and which the Earl of Dundonald continues to solicit?

Viscount PALMERSTON: The Earl of Dundonald, everybody knows, is a most distinguished officer, and who not only combines naval and practical experience, but has also very great scientific attainments. The Earl of Dundonald from time to time has signified to the Government of the day that he has a plan which he conceives would afford great facilities for naval attacks on fortresses. That plan was last year submitted to the consideration of a Committee of naval officers and scientific men, and is still under the consideration of Her Majesty's Government. But under the circumstances I really cannot answer the question of my gallant Friend as to the intention of the Government on the subject. It is enough to say that those professional and scientific men, to whom I have referred, stated that they found grave difficulties to lie in the way of a practical execution of the project.

BOMBARDMENT OF SEBASTOPOL.

MR. MUNTZ wished to know from the noble Lord whether the statement which he saw in *The Times* newspaper a few days ago was correct—namely, that orders had been given by Lord Raglan, in consequence of a communication from the Home Government, to spare the town of Sebastopol during the bombardment?

VISCOUNT PALMERSTON: No orders have been given, except to take the town of Sebastopol as soon as possible.

THE FINANCIAL STATEMENT.—THE BUDGET.

The House having resolved itself into a Committee of Ways and Means,

THE CHANCELLOR OF THE EXCHEQUER said: I feel, Sir, that some apology, or at least some explanation, is due to the House for the postponement of the financial statement which I have to make on the part of Her Majesty's Government to the present moment. It was the wish of the Government that this statement should be as complete and, as far as it was in their power to make it, as satisfactory to the House as possible; and they were apprehensive that if it had been made shortly after the formation of a new Administration, and immediately after the appointment of a new Chancellor of the Exchequer, such a statement would have been less satisfactory to the House than if a longer period were allowed to elapse. The Government also felt that there was an advantage in waiting until the financial year had expired, as they would thereby be enabled to lay the annual accounts before the country in a more perfect form. At the same time, the Conferences at Vienna having lately commenced, Her Majesty's Government thought that it would be more seemly if at the commencement of these Conferences, and before they were able to form any judgment of the views likely to be entertained by the other great Powers, they did not proceed at once to lay before the House a statement of our annual expenditure and estimates founded on supplies already voted, and which assumed a continuance of the war. Her Majesty's Government, under these circumstances, thought it would be better to postpone until after Easter the time for making this statement, but in taking that course they feel they have extended the delay as far as they could with propriety; and they feel also that with a due regard to the public interests and consistently with the respect they owe to this House the period for making the financial statement can no longer be postponed. In making the statement, which it is now my duty to submit to the House, I am aware how much I have need of their kind indulgence. I will try to simplify the statement I shall have to lay before them as much as I am able, and it will be my purpose to render it as complete in itself, and satisfactory as possible to the extent of my power. I will begin by referring to the estimates made, for the revenue and expenses of the year which has just elapsed, by my right hon. Friend my predecessor in office, the Member for the University of Oxford (Mr. Gladstone). The estimate he made for the revenue of the year which expired on the 31st of March last, was as follows:—The produce of existing taxes he took at 53,349,000*l.*; and the produce of the new taxes which he proposed for the ensuing year he estimated at 10,157,600*l.*; but the amount of the new taxes to be received within the year he calculated at only 6,147,000*l.* So that his estimate of the taxation to be received within the year amounted to 59,496,000*l.* Now, I must certainly congratulate my right hon. Friend on having exercised, in this instance, a species of financial second-sight, for whereas his estimated produce of the year was 59,496,000*l.*, the amount actually received was 59,496,154*l.* Hon. Gentlemen will see that the difference between the sum estimated and the sum actually received is, upon that very large amount, not greater than 154*l.* In the Ways and Means of last year, my right hon. Friend took a further power of issuing 1,750,000*l.* Exchequer bills, which were actually realised; and he also made an estimate for 6,000,000*l.* Exchequer bonds, which operation produced 5,375,513*l.*, making together an amount of unfunded debt equal to 7,125,513*l.* Therefore the produce of the taxation of the year being 59,496,154*l.*, and the unfunded debt thus created being 7,125,513*l.*, the total revenue of the year was 66,621,667*l.* The actual expenditure of last year having been 65,692,962*l.*, there was thus left an excess of receipts over expenditure of 928,705*l.*, which excess was, as I have already explained, produced by the issue of certain securities creating a further portion of unfunded debt. The revenue from taxation having been during the last year 59,496,154*l.*, and the expenditure 65,692,962*l.*, it follows that there was an actual deficit of revenue to the amount of 6,196,808*l.* But the entire amount of the new taxes imposed by my right hon. Friend last year was not received within the year, and there remains uncollected of the taxes which were imposed last year, but which have not been collected in the year ending the 31st March last, according to the best estimate that can be formed, a sum of 5,020,000*l.*—adding that sum to the revenue produced from the taxation of last year, the sum is 64,516,154*l.* The whole revenue estimated for the year, with the new taxes, including the portion uncollected, was estimated to be 63,506,000*l.*, and assuming that the uncollected portion should produce what it is now estimated it will produce, there will be on the estimate of revenue made by my right hon. Friend a gain of more than 1,000,000*l.* This result has taken place, though, in consequence of the alteration in the quarters of the year, the present year contains five days less than the estimate was made for; and, as the receipts would amount to about one million a week, the difference of the five days is not unimportant. I call the attention of the House to this result, inasmuch as it shows that, notwithstanding the burdens which unhappily it has been necessary to impose upon the people, and notwithstanding the disturbance of trade and industry and manufactures which a state of war must necessarily produce, the revenue that has been received, and that will, on a safe estimate, be received, including the new taxes imposed in the last year, exceeds the estimated amount by more than 1,000,000*l.*

I shall now proceed to estimate the expenditure for the ensuing year. The expenditure for the financial year, ending on the 5th of April, 1854, that is to say, the last year of peace, which included only a small military expense for the Kafir war, amounted to 51,198,000*l.*; but the expenditure for the year which has just expired has been 65,692,962*l.* I shall now, with the permission of the Committee, state the estimate of the expenditure for the present year, judged by a mode that with tolerable closeness approaches to the truth, inasmuch as all our military estimates have been voted, and some progress has been made in voting the Miscellaneous Estimates. The first item is the charge for the funded and unfunded debt, amounting to 27,974,000*l.*, in which a saving will be produced this year in consequence of the reduction of the 3¼ per cent stock to 3 per cent, which, as was arranged by the Act of 1844, comes into effect in the course of the present year. The other charges on the Consolidated Fund, which have been now somewhat reduced in consequence of the numerous transfers made from that fund last Session, amount to 1,750,000*l.* The charge for the army, which has been already voted, amounts to 16,214,477*l.*; the charge for the navy, which has been also voted, amounts to 16,653,042*l.*; and the charge for the Ordnance amounts to 7,808,000*l.*; and I propose to take a vote of credit in aid of the military service for the year to the amount of 3,000,000*l.* The charge for the Civil Service amounts to 6,500,000*l.*; which makes a total for Supply services of 50,175,561*l.* I further include an estimate for two instalments of the Sardinian loan, one of which is now in progress of payment, and another may become due before the end of the year. That produces a total of expenditure, which we are able to estimate with tolerable accuracy, of 80,899,561*l.* I beg to state that the charge I have stated for the funded debt includes the additional expense of the interest of the loan which has been contracted this day, and which now awaits the confirmation of Parliament. The Committee will probably think that the sum of nearly 81,000,000*l.*, which I have just stated, may be excessive compared with the probable wants of the ensuing year. I fear, however, that any such anticipation will be over sanguine when we advert to the fact that during the last quarter—consisting of the months of January, February, and March of this year—the sum actually expended and disbursed from the Exchequer amounted to 19,474,000*l.* This great expenditure, as the Committee will naturally conceive, has been owing almost exclusively to the additional expenses of the war. Perhaps it may be satisfactory to the Committee to be informed, and I shall therefore state, what have been the expenses of the present year as compared with the expenses of the last year of peace and of the previous year. The total amount voted for the Army, Navy, and Ordnance and the Vote of Credit, constituting the military expenditure for the year 1853-1854, was 16,487,000*l.* The expenditure under the same heads for the last year amounted to 30,121,000*l.*, and the sum estimated for the corresponding expenditure of this year amounts to 43,675,000*l.* I shall further state the progress of the expenditure within the six last quarters. In the quarter ending January 5, 1854, the expenses for the supply services, which include the expenses of the Civil Service, amounted to 4,650,000*l.*; in the quarter ending April 5, 1854, they amounted to 5,640,000*l.*; in the quarter ending July 5, 1854, they amounted to 7,445,000*l.*; in the quarter ending the 10th of October last they amounted to 8,500,000*l.*; in the quarter ending the 5th of January last they amounted to 8,600,000*l.*; and in the quarter ending the 31st of March last they amounted to 11,664,000*l.*

I shall now proceed to state to the Committee the estimated income of the ensuing year, upon which we may rely to meet the estimated expenditure which I have laid before the Committee. It is estimated that the Customs for the present year will produce 20,500,000*l.*, in which sum is included that portion of the tea duty which would have been abandoned but for the Act passed at the beginning of this year. The amount which it is estimated will be received from the Excise is 17,071,000*l.*; stamps, 6,815,000*l.*, exclusive of 480,000*l.* stamp duty upon newspapers; land and assessed taxes, 2,920,000*l.*; property and income tax, 13,535,000*l.*; Post Office, 1,150,000*l.*, to which I add 288,000*l.* for postage on newspapers; Crown lands, 260,000*l.*; miscellaneous, 800,000*l.*—making a total revenue of 63,339,000*l.* The estimated expenditure, as I have already stated, amounts to 80,899,561*l.*; and I further include in the estimate for the expenditure for this year a sum of 1,000,000*l.* for Ways and Means Bills issued in the last year, and redeemable this year, issued to the Commissioners of the National Debt in consequence of the sales of stock belonging to the savings banks, and which will be replaced out of the revenue of this quarter. I further propose to take, in order to guard against those contingencies which may not unreasonably be expected, a margin of 4,440,000*l.* The Vote of Credit will be immediately applicable to the military services; but, in addition to the Vote of Credit so appropriated, I propose to leave an unappropriated margin of surplus revenue for the amount I have mentioned. This will make a total estimated expenditure for next year of 86,339,000*l.* I have already stated that the estimated revenue arising from the existing taxes amounts to 63,339,000*l.*; and we have therefore to provide in the service of the ensuing year for a deficit amounting to the difference between 86,339,000*l.* and 63,339,000*l.*—namely, for a deficit of 23,000,000*l.* The question now arises for the consideration of the Committee, how this deficiency is to be supplied; and it will be my duty to submit to your consideration the Ways and Means by which we propose that that deficiency shall be met.

It has been stated at different times that the entire expenditure for the war should be defrayed by taxes levied within the year. And it is said that it is not safe to intrust to a Government the power of effecting a loan—of borrowing money and mortgaging the revenues of posterity—for the purpose of defraying the extraordinary expenses of a war. I shall not enter into a long recapitulation of the opinions expressed on that subject, but I will take the liberty of reading a single passage from the celebrated essay of Mr. Hume on Public Credit, in which he states his opinion upon this question—

> "It is very tempting to a Minister to employ such an expedient, as it enables him to make a great figure during his administration, without overburdening the people with taxes, or exciting any immediate clamours against himself. The practice, therefore, of contracting debt will almost infallibly be abused by every Government. It would scarcely be more imprudent to give a prodigal son a credit in every banker's shop in London, than to empower a statesman to draw bills in this manner upon posterity."

That is a plain statement of the doctrine that it is not expedient, under any circumstances, to attempt to defray the extraordinary expenses of a war by a loan, or by any other means than by taxes levied within the year. But the experience of this country and of other countries in all times has shown the impossibility of reducing to practice this attractive theory. It is impossible, with a large expenditure for military purposes immediately to be met, to raise by taxation the sum necessary for defraying the whole additional charge within the year. And even if it were found by experience to be practicable, the encroachment upon the savings of the industrious classes, which would be caused by excessive taxation, would be a greater evil than the abstraction of capital by means of a loan, and its expenditure upon the war. I apprehend that nothing can be more certain than the effect of excessive taxation in making inroads into the savings of the industrious classes. We can see this fact proved to a certain extent in the diminution of useful projects of various kinds that has already begun to take place in this country, and which exhibits itself in the diminution of the private business of this House. It is well known that a diminution has taken place in the number of Bills for new projects of different kinds which have been brought before the Private Bills Committee, and by the fact that many projects which had already received the sanction of the House, have been suspended during the past year, because the calls upon the shareholders have not been paid up. Taxes which cripple enterprise and derange industry, or interfere with the ordinary distribution of capital, are more detrimental to the community than loans effected by the Government. The practice which was resorted to by Mr. Pitt and his successors during the last war, as it had been previously resorted to by their predecessors, was every year to defray the increased charge upon the Exchequer, partly by loan, and partly by additional taxes; and there is not a single year, during the Seven Years' war, during the American war, or during the French war, in which a loan was not contracted. Our experience, which has been purchased at the expense of much hardship upon individuals, and much privation endured by the public, should warn us against the attempt to meet any large temporary deficiency exclusively by taxation. Her Majesty's Government therefore determined to take steps for negotiating a loan to cover a portion of the deficiency arising within the year; and in so doing they felt that they were fortified by uniform experience, and by the constant example of their predecessors.

Before, however, I proceed with the explanation of the details of the loan, for which Her Majesty's Government have made a provisional contract, I would take the liberty of asking the Committee to listen to a short statement of the progress of the national debt, with a view of making them perfectly aware of the nature of the proceeding in which the Government has now embarked. Sir, at the beginning of the last century, in the year 1702, the national debt consisted of only 10,000,000*l.*; at the beginning of the reign of George II. it had risen to 53,000,000*l.* It was then reduced during the succeeding years of peace to 46,000,000*l.*, which was its amount at the beginning of the Spanish war in 1739. During that war it rose to 72,000,000*l.*, at which amount it stood in 1748, at the conclusion of the Peace of Aix-la-Chapelle. At the beginning of the Seven Years' war in 1757 it amounted to 76,000,000*l.*, and at the end of the war, and at the Peace of Paris in 1763, it amounted to 135,000,000*l.*, at which sum it remained up to the commencement of the American war in 1776. In 1786, three years after the termination of the American war, it stood at 259,000,000*l.*; and in 1793, at the commencement of the French war, it had risen to 269,000,000*l.* In 1800 it amounted to 491,000,000*l.*, and in the month of February, 1816, it had reached 816,000,000*l.* Since the peace it has undergone some reductions, and on the 5th of January last the funded debt of this country amounted to 751,000,000*l.*—the decrease since the peace in 1816 having been 64,471,968*l.* The details which I have read to the Committee show the continual tendency of a great national debt to increase. They show that we bequeath to our successors, together with the advantages of our free Government, our religion, our established institutions, our arts and sciences, a debt which is a mortgage upon our late posterity; and they show, also, that the additions which are made to that debt during a time of war are but imperfectly removed by the slight reductions effected during the subsequent periods of peace. If, therefore, upon the renewal of hostilities, and under the circumstances in which this country is now placed, it becomes necessary to resort to the practice of borrowing, it is certainly incumbent upon Parliament to take such means as are at its disposal to prevent us from imposing a perpetual burden upon our successors. It is said that the creation of a perpetual debt is merely the short-sighted expedient of improvident Ministers, and that by proper attention to finance, and to the modes of providing for the extinction of the debt, this perpetual charge may be avoided. But it will be found, on closer examination, that this system of borrowing is forced, to a great extent, upon the

Government by the interests and preferences of the lenders. It suits the lender to purchase perpetual annuities, the capital of which he can at all times realise by going into the market; and, at the same time, he is protected by their perpetuity from the danger of redemption. It is the danger of redemption, in fact, which so greatly influences the value of public stocks—those stocks which are least exposed to the danger of being redeemed being those that command the highest prices in the market. I will take the liberty of mentioning that a gentleman who holds the situation of actuary of one of the leading insurance offices—Mr. Newmarch—has recently examined, in an able pamphlet, the question of the loans effected during the last war, and he successfully shows that those loans were obtained upon terms much less disadvantageous to the public than we have been accustomed, of late years, to suppose. Our predecessors, while thus creating this enormous burden of debt in successive years, were, notwithstanding, fully conscious of the evils they entailed upon posterity, and they took at different times measures, which they believed to be efficacious, for preventing the continuance of that evil. From an early period different schemes were proposed for the creation of a sinking fund for the extinction of the national debt; and a plan, which at the time was thought to be efficacious, was devised by Mr. Pitt, carried in 1786, and maintained in one form or another during the whole of the late war. There is no doubt that Mr. Pitt, and most of his contemporaries, believed in the efficacy of the sinking fund for the extinction of the debt, although the sinking fund was itself created by borrowing, and the delusion under which they laboured was, that by some contrivance of keeping up a nominal sinking fund, supported by loans, and by some imaginary operation of compound interest, it would be possible, at no distant time, to extinguish the whole of the national debt. This idea was fondly cherished by Mr. Pitt, who unquestionably died, as he had lived, in the conviction of its soundness, and that great statesman would not believe that he had been the means of entailing a burden upon future generations, the end of which it is scarcely possible for us even to conjecture. There is also another class of cases in which Parliament has recognised the inexpediency of a perpetual loan, namely, in all those cases in which money is borrowed by subordinate bodies; I may refer, for example, to cases in which money is advanced to boards of guardians to the justices of the peace, and to other subordinate authorities, who are entitled to charge the rates of their districts with the payment of loans raised for some permanently useful purposes. I may state, for instance, to the Committee that the expenses for building or repairing county bridges, prisons, town-halls, asylums, and other similar works, must be paid off, according to Act of Parliament, within twenty or thirty years. In fact, there is a long series of Acts of Parliament, in which powers are given to local bodies to raise loans upon the security of the taxes within their command, and in every case the creation of an annual sinking fund is made compulsory upon them, and it is required of them that they should extinguish the debt within a limited number of years. This practice sanctions the principle of not permitting the existence of a perpetual debt where the body contracting the loan is under the control of Parliament; and, indeed, I doubt whether there is a single example in which a loan of that kind is authorised to be raised by a public body without an express provision having been made for its liquidation within a definite period. With respect, again, to the case of railway companies, the Railway Clauses Consolidation Act has a clause which provides that unless the money borrowed by any company on mortgage be repaid by the specified period before agreed on, it shall be open for the parties interested to demand the repayment of the principal on giving six months' notice to that effect, thus distinctly preventing the possibility of the debt being perpetual. Another means of preventing the existence of a perpetual national debt has been adopted by the mode of raising loans upon terminable annuities. The raising of money for the Government in the last-named manner is a plan which has recommended itself to many persons, and unquestionably offers great advantages with respect to the extinction of the debt. The Committee are doubtless aware of the nature of terminable annuities. An annuity is granted by Government for a limited number of years, and it pays to the annuitant annually not only a sum calculated as interest, but also a certain portion calculated as principal, so that at the end of the given term, whatever it may be, the entire debt, both principal and interest, is discharged. The advantage of the system of terminable annuities, in securing the extinction of debt, so far as the Government is concerned, is obvious, inasmuch as the periodical repayment of a portion of the principal sum borrowed is made a distinct and component part of the contract entered into between the Government and the party lending; and, without breach of faith, the Government cannot omit to pay every year a portion of the principal. But although Government in this manner finds its hands, as it were, tied up, and is bound to extinguish a certain portion of the debt, unless it be guilty of a breach of faith; it is found in practice that terminable annuities are to so little extent a marketable commodity, the demand for them by the public is so limited, and the dislike to receiving annually a portion of the principal, which the individual must either spend as revenue, thereby diminishing his principal, or else reinvest in very small sums, as he receives them, is so great and general, that at no time in this country has it been possible for the Government to effect a loan on terminable annuities only. There is no example of an entire loan having been effected on that species of security; and the terminable annuities have in every instance been combined with a loan for a perpetual annuity; they now amount to a considerable sum, and are formed of the aggregate amount of the terminable annuities of the different loans that have been effected. They are formed of the aggregate of loans on terminable annuities similar to that which the Government has this day effected. Therefore, however much Her Majesty's Government may have desired to effect the whole loan that is necessary on terminable annuities, they had no option in the matter. It was impossible for them to obtain such a sum as is required for the service of the year on terminable annuities without giving a price which would be justly considered as exorbitant and unjustifiable. It seems to be supposed by many persons, with regard to terminable annuities, as it was at one time thought with regard to the sinking fund, that it acts by some mechanical and spontaneous operation towards the extinction of the debt. It was considered that the nation thus obtained value without equivalent or security, and effected a reduction of their debt without an expenditure of taxation; and that by some mysterious and occult process, which no one has been ever able to describe, the national debt might be reduced and ultimately extinguished, without any burdens being imposed upon the people. Unfortunately, nothing can be less well-founded than these suppositions, which are wholly chimerical and illusory. A terminable annuity consists of the repayment of principal as well as the payment of interest; and although at the end of the given time the debt will be extinguished, it will have been extinguished by the ordinary mode of repayment of principal with interest, the repayments having been provided for out of the annual produce of the taxation of the country. Under the circumstances I have stated, Her Majesty's Government found it was necessary that a part of the loan they were called upon to contract should be effected in perpetual stock; that is to say, the only means by which they could have avoided the creation of a perpetual stock would have been by borrowing the whole amount on stock of a terminable nature, and thus leaving the whole amount borrowed to be repaid at the end of a fixed time. For instance, if the Government had determined to effect a loan on stock terminable at the end of thirty years, when that period arrived it would be necessary for the Chancellor of the Exchequer of that year to provide a surplus of 16,000,000*l.* for the extinction of the debt. Now we all know from experience that nothing is more improbable than that a provision would have been made by previous Parliaments for the payment of a sum of 16,000,000*l.* for the extinction of that debt when the time should arrive. If such a mode of creating terminable stock had been resorted to, it would infallibly, at the conclusion of the period, end in disappointment. We should find that the nation would resort to some method of re-borrowing like that adopted by railway companies, who, having borrowed on debentures payable in three, five, or seven years, simply continue them when they expire, and scarcely ever extinguish the debt. Her Majesty's Government therefore thought that any plan that created terminable stock, the whole of which would become payable at the end of a certain term, would be an ineffectual mode of obtaining the object they had in view; and I, therefore, propose as a means—so far as lies in our power—of preventing the creation of a perpetual burden by the loan which we have found it necessary to effect, to insert in the Loan Act a clause which will render it incumbent upon the Government for the time being at the end of the year following the signature of a treaty of peace, to set aside one million sterling annually until the whole perpetual portion of the debt which they propose to contract shall be extinguished. In that manner a legal obligation will be imposed upon the Government of the day to provide one million sterling annually for the redemption of the debt now about to be incurred. I am aware that any Act of Parliament we may now pass may be repealed or modified by subsequent Acts. All similar Acts, I must be allowed to say, have been violated, and it is impossible to make any law which our successors can be prevented from altering; there is no irrevocable Act of Parliament. But we can pass an Act which will produce the only effect it is in our power to accomplish—namely, to render it incumbent on the Government for the time being to provide funds for the extinction of the debt, and to make it obligatory on the Chancellor of the Exchequer, for each successive year, to include that amount in his estimate of expenditure, and to provide the funds necessary for the extinction of the debt, unless Parliament should deem it otherwise expedient. Sir, it appears to me that the only sound sinking fund — the only effectual mode of discharging the debt — is that Parliament should agree, upon the return of peace, to create a special revenue by taxation, and to set aside annually a certain portion of revenue for the reduction of the debt. If Parliament would again return to the policy which it pursued after the peace, but which unfortunately was soon afterwards abrogated, of creating a sinking fund of 5,000,000*l.* annually, and applying those 5,000,000*l.* to the redemption of debt during times of peace, when no loans are necessary, then we should be making undoubtedly slow but steady progress towards the extinction of the debt. If, unhappily, another war should arise, or any other circumstance, to create an extraordinary demand on the Exchequer, it would then be in the power of Parliament to release the Government from the obligation of the extinction of debt, and to apply that margin of surplus revenue to defray the extraordinary expenditure of the year, thus rendering the imposition of new taxes unnecessary, and affording a reliable surplus to fall back upon. When those extraordinary demands shall have been met, the way would then be prepared to continue the extinction of debt by the only sure means by which it can be extinguished—namely, by the creation of a surplus of taxation, and not by any imaginary expedient of a sinking fund founded on borrowed capital.

Sir, in the *Essay on Public Credit*, from which I have already read an extract, Mr. Hume remarks that either the nation must destroy public credit, or public credit will destroy the nation. Now, Sir, I beg leave, with great submission to so high an authority on questions of this sort, to dispute both branches of this *dictum*. We see, by long experience, that the nation has not destroyed public credit; for during the exigencies of the most disastrous wars —during that period of great depression which followed the American war—during the Irish rebellion, during the mutiny at the Nore, and other occurrences tending to shake the stability of our institutions in the course of the French revolutionary war, the sacredness of our public credit was never for a moment violated. On the other hand, I may equally venture to question the other branch of the *dictum*, that public credit will destroy the nation. Notwithstanding the rapid increase and vast amount of the national debt, the magnitude of which I have already laid before the Committee, there has been a perpetual growth of the prosperity of the country since the conclusion of the last peace, and the proportion which the wealth of the country bears to its means of paying taxes and affording a revenue to the Government has been perpetually augmenting. Moreover, at the same time, annual means have been found, in consequence of this prosperity, of reducing the interest of the national debt, and thus making the debt a smaller annual charge on the country. In the year 1816, the charge of the national debt was 30,458,207*l.*; in the year 1854 the charge was 26,521,190*l.*; being a decrease of 3,937,017*l.* in the actual charge of the debt. The income tax in the last year of the war, which then stood at 10 per cent, produced 14,880,000*l.*; the income tax of 6 per cent in the last year produced nearly 14,000,000*l.*; showing how great has been the increase in the income of the country since the peace, and how far, therefore, the ability of the country to bear taxation has been augmented. Sir, I can see nothing in the present state of our national debt, with all the burdens it entails on us, to cause any well-grounded feeling of despondency at our future prospects; but I see ample ground for confidence with forethought and good management of our national finances.

Having stated the grounds on which Her Majesty's Government have determined to effect a loan of 16,000,000*l.* for the service of the present year, I will merely observe that they have negotiated such portion of it as they thought they could obtain in terminable annuities on that species of security, recognising the value of the principle that the nation should bind itself to discharge a portion of the loan by the annual repayment of principal as well as interest. With respect to the remaining portion of the loan, they have necessarily borrowed it, in a perpetual stock; but, at the same time, they propose to undertake an obligation to repay 1,000,000*l.* in each year, after the conclusion of peace until the whole is paid off.

While on the one hand Her Majesty's Government have rejected the plan of attempting to defray the whole expenditure of the year out of the annual taxation, so, on the other hand, they have rejected the plan of defraying the whole of that expenditure out of borrowed money. They have judged it prudent to follow the example of former years, in which the extraordinary expenses of the war were defrayed by an addition to the taxes of the year as well as by an annual loan.

With the permission of the Committee I will briefly state the progress of taxation during the late war; from which they will see that with the system then adopted, although it was founded upon the defrayment of the expenses of each year in part by loan—the loan having been generally annual, though sometimes even two loans were contracted in one year—it was, notwithstanding, found necessary to make a considerable addition to the annual taxation. In 1793, the sum raised by taxation was 17,656,418*l.*; in 1801, it was 35,229,968*l.*; in 1808, it was 58,390,255*l.*; in 1815, it was 69,684,192*l.*; thereby showing the great addition which was made to the annual taxation of the country during the war, notwithstanding the large sums raised by borrowing. We propose, therefore, Sir, to make an addition to the public taxation of this year of a sum amounting, according to the estimate we have made, to 5,300,000*l.* I will now, with the permission of the Committee, state to them the manner in which this addition is proposed to be effected. In the first place we propose an addition to the present duties on sugar, of 3*s.* per cwt., to be varied according to the quality. That additional duty, we estimate, will produce the sum of 1,200,000*l.* In justification of that estimate I will, with the permission of the Committee, state briefly the recent stock and consumption of sugar. The stock of sugar in London on the 14th April, 1855, was 51,890 tons. At the same time last year, the stock was only 42,120 tons. In consequence of the last year's importation, the short price of sugar (by which is meant the price minus the duty) was lower from 3*s.* to 4*s.* a cwt. than it was a year ago. I will now state the comparative prices of sugar in two years since 1844, by which the Committee will see that, notwithstanding the addition now to be proposed to the duty, the price to the consumer is at present considerably lower than it was at that period. In 1844 the importation amounted to 4,129,000 cwts.; the price in bond was 33*s.* 8*d.*, and the duty 25*s.* 2*d.*, making the full price 58*s.* 10*d.* In 1846, after the alteration of the duty had taken place, the importation amounted to 5,220,000 cwts.; the price in bond was 34*s.* 5*d.* and the duty 14*s.*, making the full price 48*s.* 5*d.* In 1854 the consumption had risen to 8,096,000 cwts.; the price in bond was only 25*s.*, the duty was 12*s.*, making the full price to the consumer 37*s.* Under the new duties at present the price in bond is only 23*s.*, the new duty is 15*s.*, and the price to the consumer will be only 38*s.*, that is to say 1*s.* more than the price of last year, 10*s.* less than the price of 1846, and 20*s.* less than the price of 1844. We further propose an addition of 1*d.* per lb. to the duty on coffee, which is at present 3*d.* per lb.—that is an extremely moderate duty; we propose to increase it to 4*d.*; and we estimate that this will yield an additional revenue of 150,000*l.* I have already stated that the reduction in the duty on tea which would have taken place this year was stayed by the Act passed at the beginning of the year. I propose, also, to make some addition to the duty on tea. In 1853, the duty on tea stood at 2*s.* 2½*d.* per lb.; it was reduced in the first year to 1*s.* 10*d.*, and next year to 1*s.* 6*d.*, at which rate it now stands. I propose to raise it to 1*s.* 9*d.* per lb., which will be 1*d.* less than the rate at which it stood in the first year of the reduction. That addition to the duty on tea I estimate to produce 750,000*l.* This will make a total addition to the revenue derived from Customs duties of 2,100,000*l.* With respect to the Stamp Duties, they have undergone recently so systematic a revision, that it is not my intention to propose any alteration in them, with one exception—that of the removal of the exemption which bankers' cheques now possess when drawn within fifteen miles of the place where they are payable. This exemption is the means of diminishing the duty from receipt stamps, inasmuch as unstamped cheques frequently perform the duty of stamped receipts. I propose to withdraw that exemption; and the effect of this withdrawal, it is estimated, will be to produce about 200,000*l.* additional revenue. I come now, Sir, to the head of Excise. The only duty of Excise upon which I shall propose any augmentation to the Committee is the duty on spirits. My proposal is to assimilate the duties on Scottish spirits to those upon English. The duty on English spirits is now 7*s.* 10*d.* a gallon; the duty on Scotch spirits is 6*s.* a gallon, and I propose to equalise them. The present duty on Irish spirits is 4*s.* a gallon. On account, Sir, of the circumstances of Ireland regarding illicit distillation, I do not propose to equalise the duty on Irish spirits to the English and Scotch rate, but I propose to raise it to 6*s.* a gallon. The additions which have recently been made to the spirit duty both in Scotland and Ireland have not produced any increase of illicit distillation, nor have they diminished consumption. I will state to the Committee the consumption of English, Scottish, and Irish spirits during the last ten years. The consumption in England during the financial year, ending January 5, 1854, was 10,350,000 gallons; in 1855, it was 10,839,000 gallons. In Scotland, the consumption of the financial year 1854 was 6,534,000 gallons; that of 1855, was 6,553,000 gallons; thus showing a slight increase of consumption, notwithstanding the addition to the duty. In Ireland, the consumption of 1854 was 8,136,000 gallons; in 1855, it had risen to 8,440,000 gallons. The effect, therefore, of this experiment in increasing the duties on spirits is to recommend a further advance in the same direction. It can hardly be disputed that if an increased duty, producing a considerable sum, can be obtained from spirits without increasing illicit distillation, smuggling, and all the evils which go in their train, it is as legitimate a means of providing an additional revenue during the heavy expenditure inevitable in a time of war as can well be found. I estimate, not on a sanguine conjecture, the produce of this increased duty on Scottish and Irish spirits at 1,000,000*l.* sterling; and this, with the augmentations I have already stated to the Customs, Stamps, and Excise duties will bring an addition to the revenue of 3,300,000*l.* In order, however, to raise a sum sufficient for the service of the year, it is still further necessary that we should propose some addition to the direct taxation of the country. Last year the additions made to the direct and indirect taxes were in this proportion. The additions to the indirect taxes were calculated to produce 2,600,000*l.*; the addition to the direct taxes, 6,557,000*l.*; therefore the great increase was on the direct taxes, being more than double that on the indirect. In the plan, however, which I have now the honour of submitting to the Committee, it has been thought desirable to throw the excess into the other side of the scale, and to levy the larger sum by indirect taxation, and a less sum by direct taxation. While, therefore, we propose to raise 3,300,000*l.* from the indirect taxes in the manner I have stated, 2,000,000*l.* are left to be raised by direct taxes. Now, the number of direct taxes to which a Chancellor of the Exchequer can resort with advantage for the purpose of raising additional revenue is very limited. It is well known that the land tax in this country is an impost which is fixed at rates varying in different localities, which has been made the subject of partial redemption; and it is in a state which renders all attempts to increase it impossible except in a very partial degree, and by means which it would be very difficult to carry into operation. The only direct taxes of any magnitude besides the income tax to which our attention can be directed are the house and assessed taxes. With respect to the house tax, its produce is not very considerable; it is between 700,000*l.* and 800,000*l.* a year; and even if the tax were doubled, and some extension given to its area, it still would hardly produce above 1,000,000*l.* of additional revenue. The house tax is, after all, only a species of income tax, and the same may be said of the assessed taxes, which, moreover, fall upon a narrower class of persons than the income tax, and which are not only subject to the objection of their incidence while any increase in them would interfere with the employment of industry. Her Majesty's Government, therefore, after consideration, have come to the conclusion that the best form of direct taxation which now exists is the income tax. It reaches on the whole the largest number of persons, and its operation falls with fairness on different classes of incomes, whilst an additional sum can be collected through the existing machinery, thus obviating the necessity of creating any new tax, of creating a new inspection, or of extending the machinery of collection to meet an extraordinary expenditure which I hope will not be of long duration. On the whole, then, we propose that the additional sum of 2,000,000*l.* required shall be raised by an augmentation of the income tax, by simply adding 1 per cent, or 2*d.* in the pound, to its present amount. With this enhanced rate of income tax, I calculate that an addition of 2,000,000*l.* will be secured for the service of the next year, 1,000,000*l.* of which will be received within the present financial year. This addition to the income tax therefore, conjoined with the additions to the other indirect taxes already specified, will produce a sum of 5,300,000*l.*, which, together with the loan, and the sum of 3,000,000*l.* in Exchequer bills, for the issue of which we propose to take a power equivalent to that of a vote of credit as taken in former years, will complete the sum necessary for the service of the year.

With the permission of the Committee, I will now state precisely the Ways and Means by which we propose to meet the estimated expenditure of the ensuing year. That expenditure, I have already stated to the Committee at 86,339,000*l.*; the estimated revenue from existing taxes I have given at 63,339,000*l.*; the loan will furnish 16,000,000*l.*; and the new taxes receivable in the year 1855–56 will be 4,000,000*l.* I say 4,000,000*l.*, leaving out 1,000,000*l.* of income tax which will not be receivable within the year, and, in order to avoid the appearance of over sanguine calculation, I have also omitted 300,000*l.* of indirect taxes. I think this is a safe and moderate calculation in making allowance for the fluctuations which may occur in consumption. The issue of Exchequer bills, for which I propose to ask power to the extent of 3,000,000*l.*, will not, under any circumstances, take place until the last instalment of the loan, payable in December next, shall have been paid up. All these Ways and Means will produce a sum available for the service of the year of 86,339,000*l.*

To enable the country to bear the increased charge, the items of which I have now submitted to the Committee, all that is necessary is, that its resources should remain unimpaired, and that the vast creation of wealth which has been going on without interruption for some years past should not suffer any diminution in consequence of the vicissitudes of the war. Now, Sir, there is one cause of favourable anticipation, to which I think hardly sufficient attention has been paid in this House, and to which, as it seems to me, scarcely sufficient credit has been given to the Government which preceded that of my noble Friend near me—I mean the measures they adopted with respect to trade with neutral nations. It is well known that during the late war a large portion of the disturbance of trade and interruption to manufactures was owing to the unwise retaliatory measures adopted by this country against the Berlin and Milan decrees. The Orders in Council then issued led to great disturbance of the trade with neutral nations, and created an amount of loss and disturbance of commerce and industry, which it would, perhaps, be no exaggeration to say was equal to the entire detriment and suffering created by the increased taxes. From that cause of national loss the country has been fortunately saved by the wise measures which the late Government have adopted. In consequence of the measures adopted in former years by the Legislature, as well as of the measures taken for the protection of our commerce since the war, hitherto with success, a sound state of commerce has been preserved, and it appears that a vast increase has taken place in the amount of our foreign trade. As a proof of the present power of the country to bear increased taxation, I will beg to draw the attention of the Committee to a comparison of our imports and exports in the year in which the French war broke out, in the year when peace was concluded, and the present year. In 1793 the imports into the United Kingdom were valued at 17,850,000*l.*; in 1815 they were valued at 32,987,000*l.*; in 1853 they had risen to 123,099,000*l.* Our exports in 1793 were 18,486,000*l.*; in 1815 they were 58,629,000*l.*; and in 1853 they were 242,072,000*l.* These figures, Sir, present incontestable proofs of the enormous increase of the trade of this country since the beginning of the French war and since the last peace; and they prove that an enormous mass of wealth exists in the country, from which an additional amount of taxation can be raised to defray the extraordinary expenditure of the country.

I fear that it has been necessary for me to detain the Committee at very considerable length in laying these statements before them; but I preferred running the risk of being tedious, to that of subjecting myself to the charge of having withheld from the knowledge of the Committee information necessary for their guidance. The plan I have introduced to their notice is proposed in a spirit of fairness to all the various interests of the country, and I submit it to the Committee with the confidence that it will receive a fair and liberal consideration, and that an impartial judgment will be passed upon it. I will only entreat hon. Members that in examining the ways and means by which the Government propose to defray the expenditure of the year, and to meet the exigencies of the times, they will take the whole plan into consideration at once, that they will not single out particular details of it, that they will look at it as a whole, and will form a combined judgment on the scheme proposed by the Government, keeping constantly in mind that if they change any part of the plan now proposed, they must look to some practical alternative, to some other less objectionable means by which we may provide for the service of the country.

Perhaps, before I conclude, the Committee would wish for some particulars with respect to the loan which was contracted for this morning. The Government required that the party proposing for the loan should give 100*l.* in money for every 100*l.* stock created, in order to avoid that state of things which sometimes occurred during the late war, of a large debt in stock being created, for which the Government received an imperfect equivalent. By the mode which has been adopted the Government will receive 100*l.* in money for every 100*l.* of stock created. I will briefly point out what was done during the late war in this respect. In 1798 a loan of 17,000,000*l.* was contracted for, to meet which 34,000,000*l.* of stock was created; in 1801 there was a loan of 28,000,000*l.* and stock created to the extent of 49,210,000*l.*; in 1813, a loan of 27,000,000*l.*, with 45,900,000*l.* stock; and in 1815, a loan of 36,000,000*l.* with 62,240,000*l.* stock.

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By adopting the course we have this day followed, we at least secure to the public 100*l.* for every 100*l.* of stock issued. That portion of the price of the loan necessary to make up the price of Consols for the day, is contracted in a terminable annuity of 14*s.* 6*d.*, which will necessarily expire by annual payments at the end of thirty years. We have every reason to believe that the terms of that loan are fair between the contractors and the public, and that the public has reason to be satisfied with the rate at which it has been taken. A provisional contract only is entered into between the Government and the lenders. The Government must lay the terms of the loan before Parliament in order to receive its sanction As it is my duty to submit them to the Committee, I now ask them to agree to Resolutions embodying the terms and conditions of the loan.

The following are the Resolutions referred to in the Financial Statement—

LOAN

Resolved—

1. "That, towards raising the Supply granted to Her Majesty, the sum of sixteen million pounds be raised by Annuities."

Resolved—

2. "That every contributor to the said sum of sixteen million pounds shall, for every 100*l.* contributed and paid, be entitled to the principal sum of 100*l.* in Annuities after the rate of 3*l.* per centum, to commence from the 5th day of January 1855, and to be added to and made one joint stock with the existing Consolidated 3*l.* per centum Annuities, and to be payable and transferable at the Bank of England at the same times and in the same manner and subject to the like redemption as the said Consolidated 3*l.* per Centum Annuities."

Resolved—

3. "That every such contributor shall also be entitled, for every 100*l.* contributed and paid, to a further annuity of fourteen shillings and six pence for 30 years, to be payable and transferable at the Bank of England, and to be payable on the 5th day of April and the 10th day of October in each year by equal half-yearly payments, the first payment to be made on the 10th day of October, 1855, and the last payment on the 5th day of April, 1885."

Resolved—

4. "That the said several annuities so to be payable as aforesaid shall be charged upon and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland."

Resolved—

5. "That every contributor shall on the 24th day of April, 1855, make a deposit of 10*l.* per centum on such sum as he or she shall choose to

subscribe towards raising the said sum of sixteen million pounds with the chief Cashier or Cashiers of the Governor and Company of the Bank of England as a security for making the subsequent payments on or before the days or times hereinafter mentioned (that is to say):

"Payment of—
15*l.* per cent on or before the 22nd of May, 1855.
10*l.* „ „ 19th „ June, 1855.
15*l.* „ „ 17th „ July, 1855.
10*l.* „ „ 21st „ Aug. 1855.
10*l.* „ „ 18th „ Sept. 1855.
10*l.* „ „ 16th „ Oct. 1855.
10*l.* „ „ 20th „ Nov. 1855.
10*l.* „ „ 18th „ Dec. 1855.

That all the moneys so to be received by the said Cashier or Cashiers of the said Governor and Company of the Bank of England shall be paid into the account of the Receipt of Her Majesty's Exchequer at the Bank of England, to be applied from time to time to such services for Great Britain and Ireland as shall then have been voted by this House in this Session of Parliament, or to the redemption of the principal and interest of any Exchequer Bills issued or to be issued under the authority of the Act 57 Geo. 3, c. 48, or under the authority of any Act of the present Session of Parliament authorising the application of monies out of the Consolidated Fund for the service of the year ended on the 31st day of March, 1855, and of the year ending on the 31st day of March, 1856."

Resolved—

6. "That for the purpose of extinction from time to time of a sum of Consolidated 3*l.* per Centum Annuities equal to the amount to be added to the said joint stock as aforesaid, there shall be issued and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or out of the growing produce thereof, to the Commissioners for the Reduction of the National Debt, in the financial year commencing on the first day of April which shall first happen twelve months after the ratification of a definitive Treaty of Peace with Russia, and in every subsequent year until such sum of Consolidated 3*l.* per Centum Annuities is extinguished, the sum of one million pounds: Provided, that in case in the last year in which such sum would be payable the sum necessary for purchasing the remaining portion of the said sum of Consolidated 3*l.* per Centum Annuities be less than one million pounds, then so much only of such sum as may be necessary for that purpose shall be issued and paid as aforesaid, and the sums so to be issued and paid to the Commissioners for the Reduction of the National Debt shall be applied by them in the purchase of Consolidated 3*l.* per Centum Annuities, in the manner directed by the Acts for the Reduction of the National debt, until a sum of sixteen million pounds Consolidated 3*l.* per Centum Annuities has been extinguished and cancelled."

SPIRITS.

Resolved—

7. "That, towards raising the Supply granted to Her Majesty, there shall be charged, raised, levied, collected and paid upon the goods and commodities hereinafter mentioned and described, the several duties of Excise respectively specified and set forth (that is to say):" [In Scotland the additional duty of one shilling and tenpence per gallon: in Ireland the additional duty of two shillings per gallon.]

Resolved—

8. "That, towards raising the Supply granted to Her Majesty, on and after the 20th day of April, 1855, in lieu of the countervailing duties now chargeable under any Act or Acts in force on spirits of the nature or quality of plain British spirits manufactured or distilled in the islands of Guernsey, Jersey, Alderney, and Sark respectively, and imported from any of the said islands into Scotland or Ireland, there shall be charged and paid the following countervailing duties (that is to say)—Imported into Scotland nine shillings per gallon; into Ireland seven shillings and twopence."

Resolved—

9. "That, towards raising the Supply granted to Her Majesty, in lieu of the respective Duties of Excise now payable under any Act or Acts in force upon the several mixtures, compounds, preparations, and commodities mentioned and described in the Schedule hereto annexed, on the removal of the same respectively as hereinafter mentioned, there shall be raised, levied, collected, and paid upon the said several mixtures, compounds, preparations, and commodities which on or after the 20th day of April, 1855, shall be removed from Ireland to England or Scotland the several sums of money and duties of Excise respectively inserted, described, and set forth in the said Schedule." [Here follows the Schedule.]

STAMP DUTIES.

Resolved—

10. "That, towards raising the Supply granted to Her Majesty all drafts or orders for the payment of any sum of money to the bearer on demand, which being drawn upon any banker, or any person or persons acting as a banker and residing or transacting the business of a banker within fifteen miles of the place where such drafts or orders are issued are now exempt from stamp duty, shall be chargeable with the stamp duty of one penny for every such draft or order."

INCOME TAX.

Resolved—

11. "That, towards raising the Supply granted to Her Majesty, there shall be charged and raised yearly from and after the 5th day of April, 1855, in addition to the rates and duties chargeable under the Act passed in the last Session of Parliament, chapter 24, for and in respect of all property, profits, and gains chargeable under the several Acts in force relating to the Income Tax, either by assessment or under any contract of composition or otherwise, the additional rate and duty of two pence for every twenty shillings of the annual value or amount of all such property, profits, and gains respectively."

MALT ALLOWANCES.

Resolved—

12. "That there shall be made, allowed, and paid, for or in respect of the several goods and commodities hereinafter described or mentioned, the several allowances and drawbacks of Excise respectively hereinafter specified and set forth (that is to say): "[And they are then set forth.]

Resolved—

13. [Countervailing drawback on made Wines.]

TEA.

Resolved—

14. "That, towards raising the Supply granted to Her Majesty, the following duty of Customs shall be charged on tea imported into the United Kingdom, in lieu of the Duty now payable thereon (that is to say):

"On and after the 21st day of April 1855, until the 5th day of April inclusive, which shall first happen after the end of twelve months from the date of a definitive Treaty of Peace, the pound 1*s.* 9*d.*; from which last-mentioned day the Duty shall be regulated in accordance with the provisions of the Act, chapter nine, of the present Session of Parliament."

COFFEE AND CHICORY.

Resolved—

15. "That, towards raising the Supply granted to Her Majesty, the following Duties of Customs shall be charged on and after the 21st day of April 1855, on the under-mentioned articles imported into the United Kingdom, in lieu of the Duties now payable thereon (that is to say):

"Coffee, for every pound, 4*d.*

"——— kiln dried, roasted or ground, for every pound, 5*d.*

"Chicory, or any other vegetable matter applicable to the use of Chicory or Coffee, roasted or ground, for every pound, 5*d.*"

SUGAR.

Resolved,

16. "That, towards raising the Supply granted to Her Majesty, the following Duties of Customs shall be charged, on and after the 21st day of April 1855, on Sugar and Molasses imported into the United Kingdom, in lieu of the Duties now payable thereon (that is to say):

"Candy, brown or white, Refined Sugar, or Sugar rendered by any process equal in quality thereto, for every hundredweight, 1*l.*

"White Clayed Sugar, or Sugar rendered by any process equal in quality to White Clayed, not being refined or equal in quality to Refined, for every hundredweight, 17*s.* 6*d.*

"Yellow, Muscovado, and Brown Clayed Sugar, or Sugar rendered by any process equal in quality to Yellow, Muscovado, or Brown Clayed, and not equal to White Clayed, for every hundredweight, 15*s.*

"Brown, Muscovado, or any other Sugar, not being equal in quality to Yellow, Muscovado, or Brown Clayed Sugar, for every hundredweight, 13*s.* 9*d.*

"Molasses, for every hundredweight, 5*s.* 4*d.*"

CONFECTIONARY.

Resolved—

17. "That, towards raising the Supply granted to Her Majesty, the following Duties of Customs shall be charged, on and after the 21st day of April 1855, on the articles under-mentioned, in lieu of the Duties now payable thereon (that is to say):

"Confectionary, Comfits, Cherries dried, Marmalade, Plums preserved in Sugar, Succades, including all fruits and vegetables preserved in sugar, not otherwise enumerated, the pound, 2½*d.*"

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RUM.

Resolved—

18. "That, towards raising the Supply granted to Her Majesty, the following Duties of Customs shall be charged, on and after the 20th day of April 1855, on the articles under-mentioned, imported into Scotland or Ireland, in lieu of the Duties now payable thereon:

"Spirits, viz.:

"Not being sweetened or mixed with any article so that the degree of strength thereof cannot be ascertained by Sykes's Hydrometer; for every gallon of the strength of proof by such hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for any greater or less quantity than a gallon:

——— of and from a British Possession in America or the Island of Mauritius, and Rum of and from any British Possession within the limits of the East India Company's Charter, in regard to which the conditions of the Act 4 *Vict.* c. 8, have or shall have been fulfilled: If imported

"Into Scotland, the gallon, 8*s.* 2*d.*

"Into Ireland, the gallon, 6*s.* 4*d.*

"Rum, Shrub, Cordials, and Liqueurs of and from a British Possession in America or the Island of Mauritius, or a British Possession within the limits of the East India Company's Charter, qualified as aforesaid, if imported

"Into Scotland, the gallon, 8*s.* 2*d.*

"Into Ireland, the gallon, 6*s.* 4*d.*"

BOUNTIES AND DRAWBACKS ON SUGAR.

Resolved—

19. "That, in lieu of the Bounties and Drawbacks now payable on the exportation of Refined Sugar, the following Drawbacks shall be allowed, on and after the 19th day of May 1855, on the exportation or on the removal to the Isle of Man for consumption there, of the several descriptions of Refined Sugar hereinafter mentioned (that is to say):" [Then follows the Schedule.]

The Resolutions relating to the Loan having been read by the Chairman,

MR. MARTIN SMITH wished to learn from the right hon. Gentleman whether or not he had given notice to the parties with whom he contracted the loan this morning, partly in terminable annuities, of his intention to levy an additional tax upon terminable annuities. He could hardly believe that the Chancellor of the Exchequer would contract a loan in terminable annuities in the morning, and put a tax on them in the evening, without notice.

THE CHANCELLOR OF THE EXCHEQUER said, it was impossible for the Government to make any statement when about to contract for a loan concerning additional taxes not then proposed to Parliamen. Of course, those gentlemen who made offers for the loan did so with the knowledge that any additional taxation might possibly affect terminable annuities.

Mr. LAING said, that though the present was not the proper time to go into the details of the Budget, still the question raised by the present Resolutions involved principles of such great and vital importance that he thought it would be wrong for hon. Members to commit themselves to what might be deemed the sanction of those principles without any discussion whatever. He believed the Committee would disappoint the expectations of the public out of doors if they allowed these Resolutions to pass *sub silentio*, especially as he was aware that the principles which were involved in them had been the subject of great discussion in the city, and that strong opinions were entertained in the moneyed circles there, those opinions being not very favourable to them. It was evident we were now at the commencement of what, he feared, if this war continued, must be a series of loans of very great magnitude. It was surely, therefore, incumbent upon the Members of that House, as the guardians of the public purse, to see that they did not in the first instance, without due deliberation, lay down principles upon which a second national debt, equal, perhaps, in amount to that which at present existed, would be created, and to see that they did not rashly commit themselves to principles which might prove to be as mistaken as those upon which Mr. Pitt acted during the great French war. One obvious objection which presented itself to the mind of every one familiar with these subjects as to the mode by which the Chancellor of the Exchequer proposed to deal with this loan was, that it was neither one thing nor another. He could understand the right hon. Gentleman coming forward and stating that 3 per cent. perpetual annuities being the most marketable security, he was anxious to avail himself of that which gave the greatest facilities for raising large sums of money. If the Chancellor of the Exchequer found himself placed in difficult circumstances, and driven into a corner to obtain money, he could understand the right hon. Gentleman saying, "I must resort to 3 per cent. Consols, because that is the only mode in which I can get the money necessary for my purpose." But the object of the right hon. Gentleman seemed to be to get a sum of money in the mode which would involve the smallest possible burden upon the present generation—not looking to posterity at all, but having an eye solely to the interest of the present generation, and, therefore, resorting to the most marketable security. Now, this was completely contrary to the doctrine they had been accustomed to hear in that House from the right hon. Gentleman behind him (Mr. Gladstone), and he confessed he, for one, could not so easily accede to it. Twelve months had not yet elapsed since hon. Members listened to appeals made to them in that House, to show themselves worthy of their ancestors, not to shrink from sacrifices which those ancestors had made, and not to throw the whole burden of this war upon posterity, but to bear a fair proportion of it themselves. He thought, perhaps, that doctrine was pushed a little too far under the circumstances. He did not believe that, under the circumstances which now existed, they could hope to raise the whole amount of expenditure by taxation within the year, and was of opinion that they must resort to some description of loan; but he was not prepared—and he believed the country was not prepared—for such a total abandonment of the principles then laid down, as to say that they should now throw all consideration for posterity to the wind at the very commencement of the war, and that, in an easy state of the money market, and before they had exceeded the limits of our taxation, they should resort to an old-fashioned loan in 3 per cent. consols. The Chancellor of the Exchequer appeared to think that any other mode of raising money—such as by a resort to terminable annuities — was wholly impossible. He should like to know what the right hon. Gentleman said to the very large amount of capital which had been raised upon the French and other foreign railways. How was it, he would ask, that upon those railways a sum of something like 100,000,000*l.* had been raised upon securities which were all terminable within periods of sixty to ninety years at the furthest? If this were possible to the Government of France, why should it be impossible for the Government of England, with the vast means of credit possessed by them, to raise a sum of 16,000,000*l.* of money in some similar way at a time when money was extraordinarily abundant? He did say, then, that a great principle was at stake here. All the experience afforded by history must satisfy the Committee that sinking funds were absolutely illusory. Must not every hon. Member be convinced in his own mind that a sinking fund of 1,000,000*l.* a year at the termination of the war was perfectly illusory? When peace came there would be a pressure upon the Government to take off some unpopular tax; and if they could escape from the liability of this annual payment without a positive act of bankruptcy, would not this sinking fund share the fate of other sinking funds? They ought to look the whole question boldly in the face, and be prepared either to create a perpetual national debt and borrow upon 3 per cent. Consols—the cheapest form in which they could obtain money—or else they should consider whether there was not some form of loan in which whatever addition was made to the national debt should be of a terminable character, so that in a given period of years it might be extinguished. He looked upon all this as a mere question of price in the market. If the Government of England went into the market and said, "Here is an annuity of 4*l.* or 5*l.* a year, terminable within a period of sixty or 100 years," this would have a clear, intelligible market value, and, like everything else, might be made negotiable. It would not bring for the moment quite so much proportionably as a perpetual annuity of 3 per cent, because the 3 per cent Consols formed the bulk of our stock, and commanded a better price on that account. But that was entirely a question as to the amount of stock you created. If the Government created so small an amount of stock as now proposed, that stock would be unavailable except to a very limited extent; but if they began by borrowing in the form of terminable annuities for a period of 100 or sixty years, and created similar stock whenever they were obliged to incur new debts, so as to throw into the market a large amount of stock expiring at the same period, and being, therefore, a uniform stock in the market, such a stock would be easily negotiable, and there would be no difficulty as to the rate at which that kind of security would go off. In creating it in Consols there was one important consideration; it would not be all gain which the Government made by effecting their loan in 3 per cent Consols. The circumstance which kept that stock at such an extraordinarily high price was, that it formed at present the only mode of investment for the greater number of trust funds. There was always, therefore, owing to this, a large demand, with a limited supply; and this stock was thus kept artificially high. If they compared the prices of the funds in England and France, the difference of price in the public securities was by no means justified by the intrinsic credit of the two countries, but it was due to the great wealth of England, seeking for investment in the one large and uniform description of stock open to it, which stock was therefore kept at an artificially high price. In consequence of that, 3 per cent consols bore a higher value than other securities, and consols were the barometer which regulated the value of the great mass of other property. If, therefore, by creating a large additional amount of that stock the Government increased the floating supply in the market, they would inevitably bring down the price of 3 per cent Consols, and in doing so would also bring down the prices of securities of every denomination, which fluctuated more or less with the price of Consols. Let the Committee consider for a moment whether the Chancellor of the Exchequer had obtained a loan on terms which gave an equivalent for having created perpetual instead of terminable annuities. A short time since consols remained steadily at from 92 to 93; money was comparatively scarce; the rate of interest at the Bank was 5 per cent; money suddenly became abundant and the market changed, from a condition of tightness to one of easiness; foreign exchanges were in our favour; bullion accumulated rapidly in the Bank; the Bank reduced the rate of interest to 4½ per cent, with the prospect of still further reduction; the circumstances were all in favour of retaining the price of Consols. But Consols were considerably depressed by a series of operations on the part of the Government, which, in his opinion, were short-sighted. The amount of sales by the Government broker on account of savings banks was so great that Consols, instead of rising from 92 or 93 to 94 or 95, had been depressed to 90 or 91. It was very bad policy, when a loan was contemplated, to depress the market by sales by the Government broker. The natural effect of a loan was to produce a heavy fall even with an abundance of money, and when every circumstance was otherwise favourable for great operations; and as soon as it was known a great portion of the loan would be created in 3 per cent Consols, as a natural consequence there was a heavy fall in the market. And thus, with favourable circumstances and abundance of money, instead of Consols rising, which he contended they would have done if there had been no sales by the Government broker, they had fallen, and instead of the loan being calculated on the basis of Consols at 94 or 95, or certainly, at the lowest calculation, at 92 or 93, Consols had been forced down to 90, and when the value of the annuity given with the 3 per cent Consols was estimated, he believed it would be found that the 16,000,000*l*. of national debt was created at a figure equivalent to little more than consols at 85 or 87. There was another point connected with the loan in which he thought the Government was at fault. In borrowing money they had to choose between a system of open loan, in which the Government applied at once to the public, and a system of close loan, in which the Government applied to middlemen. He by no means participated in the prejudices against middlemen. He believed that in money, and in corn, and other trades, middlemen were useful, and that they might do better through a middleman than by direct communication with the customer; but in making use of middlemen or agents, they ought to bring the element of competition into action, and pit the middlemen against each other. If the Government resorted to agents for a loan they ought to take care there should be sufficient competition. They might either do that or abandon the use of agents, and resort to an open loan. Upon the information derived from private negotiation, they might fix the terms, and leave everybody who pleased to subscribe his 100*l*. That system was adopted by the French Government, on a recent occasion, with great success; and he thought under that system the results obtained would have been more satisfactory than under the system which had in this instance been adopted by the right hon. Gentleman. If the Government had avoided the sale of savings-banks money, which depressed the market; if they had determined not to create more 3 per cent Consols, but to create a new 3½ per cent stock, or some description of terminable annuities; and if they had made up their minds to a clear and intelligible plan, by which the whole public would have been invited to subscribe, his belief was that they would have obtained the money on much more favourable terms than had been obtained on this occasion. The first hearing of a Budget was not an occasion upon which to enter into details, but he trusted the House would take the opportunity of considering the principle on which this loan had been created, and, after mature deliberation, decide the principle on which future loans should be created. He would merely make one remark on the increase of taxes. There was a sum of 5,000,000*l*. to make up; and he had heard with great regret that several additional taxes were to be proposed. He could not understand why the income tax was not raised higher, when during the last war it stood at 10 per cent. The present generation were as patriotic as the last, and as ready to pay with their eyes open the taxes which were necessary, and not 10 but 9 per cent would produce the whole money which was required. He could not understand why they were to retrace their steps—why they were to affect such important interests as the interests of our West India colonies by an alteration of the sugar duties—why they were to meddle with a tax of so much importance as the duty on coffee, for the sake of a miserable sum of 150,000*l*.—or, why they were to incur all the evils of unsettling the system of taxation adopted in recent legislation for these comparatively small amounts, while the income tax remained to them. He trusted the Committee would bear in mind that the money derived by the Exchequer by no means represented the evils caused by these small additions to taxation. If by an alteration of the sugar duties the Government raised a million of money, that million of money would not adequately represent the mischief to the colonial interests by unsettling the sugar duties. During a great many years past the sugar duties had been in a state of perpetual alteration. No man interested in the West India colonies had known from month to month, scarcely from day to day, what those duties were. At last, when, having struggled through great difficulties, those colonies were beginning to raise their heads and improve their condition, the sugar duties were again to be unsettled. He hoped the House would say, "We have gone to war with our eyes open, and we will bear the burden with our eyes open; we will not fritter away the sources of our trade; we will not affect the condition of the working classes; we will not undo what we have done; and we will not consent to all these petty and peddling alterations in the financial policy established by Sir Robert Peel."

SIR HENRY WILLOUGHBY said, he should not enter into the question raised by the speech of the Chancellor of the Exchequer, but rather seek to obtain information for future discussions. Upon the Resolutions read by the Chairman he did not feel himself in a position to give an opinion; but, in reply to the hon. Gentleman who had just spoken, he would say that he did not believe the Chancellor of the Exchequer existed, ever did exist, or ever would exist, who was able to extract from the pockets of the people in one year 86,000,000*l.* He said it was impossible either by direct or indirect taxation to raise that sum. If he were allowed to make a remark upon that large amount, it would be to point out the enormous danger of entering on an aggressive war upon the Russian Empire. They might have easily protected their allies the Turks from aggression, but when they entered on an aggressive war the immediate consequence was the raising of taxation to 86,250,000*l.* He understood the Chancellor of the Exchequer to say that the expenditure of the year 1854-55, ending the 31st of March, amounted to 65,692,962*l.* He wished to learn whether there were any outstanding expenses; because, unless they could get at that, they would know nothing, and might fall into a prodigious error in supposing those figures represented the whole expense of the war up to the end of March last. He wished to learn from the right hon. Gentleman to what extent this country had run in debt during the past year? Fresh taxes to the amount of upwards of 10,000,000*l.* were voted last year, a large portion of which—he believed nearly one-half—was still unpaid, though upwards of 7,000,000*l.* of money raised by Exchequer bonds and Exchequer bills had been actually spent. He wished to know, therefore, where the right hon. Gentleman took credit for the 5,000,000*l.* of taxes still due on the year 1854-55—because there are both the debt and the taxes to be accounted for. So far from the expenses of the war having been paid out of the taxes, he believed the Government had spent all the taxes that could be obtained, and 7,300,000*l.* of borrowed money in Exchequer bills and Exchequer bonds. The right hon. Gentleman had stated very clearly what was a terminable annuity; but in the course which the right hon. Gentleman proposed to take of applying the income tax to these annuities there was the danger of taxing the principal and not the interest, and to tax the principal would be to enter upon a career at variance with all principle whatever. Was it not the fact that at this moment an enormous tax was levied upon Long Annuities, and could it be imagined that taxes could be continued to be raised by a species of taxation which was nothing more than robbery and plunder of the grossest description? He agreed with the hon. Member for Wycombe (Mr. Martin Smith), that the right hon. Gentleman ought to give some clear intimation of the intention of the Government with regard to subjecting the new terminable annuities to the income tax.

THE CHANCELLOR OF THE EXCHEQUER: In answer to the first question of the hon. Baronet with respect to the expenses of the war, I may inform him that the chief part of the expenses of the army, navy, and ordnance department, is met by payments in ready money; and that with regard to the charges for transports, and for various contracts for food and clothing, the payments were made every quarter, and have been made within the last few days—at all events very recently. No doubt some of these payments may be in arrear, but I do not apprehend that the amount is very large. With respect to the Exchequer bills and bonds referred to, no portion of them is payable next year, and therefore no provision for them is necessary at present. With regard to the terminable annuities referred to by the hon. Baronet, I am perfectly aware that they are subject to the income tax. In my opinion, it is right in principle that an annuity terminable in a certain length of time should be considered as income, and be subject to the income tax. Those who take terminable annuities reckon upon the income tax as one of the elements of their calculation when they offer a certain price. So long as the income tax exists their calculation holds good, and if the income tax should be diminished or repealed they receive a benefit upon their speculation. The Committee will be aware that terminable annuities to a considerable extent were created in the late war at the time when the income tax was in operation, and no doubt the loans then entered into were entered into upon the calculation of the income tax. With regard to what the hon. Member for the Wick boroughs said in reference to terminable annuities, I apprehend that these annuities are terminable stock in the same sense as railway debentures in this country are terminable stocks. They are loans granted for a short term of years, which, when the term expires, are renewed by reborrowing; and I apprehend that that is the principle adopted by the foreign railway companies referred to by the hon. Member for Wick (Mr. Laing). The hon. Gentleman talked of effecting a loan in terminable annuities by appealing to the public at large. If such an appeal had been made, it would have been made in vain. The only customers for terminable annuities are such bodies as the Bank of England, insurance and other companies, who are in the habit of dealing in money, and who hope in a speculation of this nature to gain some advantage.

Mr. LAING observed, that the foreign railways he had referred to had obtained money upon securities strictly terminable. A person bought what he supposed to be an annuity of 10 per cent, and it positively terminated in a certain number of years.

Mr. FREWEN thought some portion of the propositions of the right hon. Baronet would meet with considerable opposition. He wished to call the attention of the right hon. Gentleman to the desirability of giving every possible facility to a person charged with the income tax without being liable to it, or who had been overcharged, to appeal against the tax. He could assure the right hon. Gentleman that many persons whose incomes were considerably under 100*l.* a-year, and who therefore ought not to be called on to pay the income tax, had had it deducted when they received their dividends, and they very seldom succeeded in recovering the amount, or, when they did so, it was with great difficulty. The difficulties of appealing against the tax were very great, and ought to be rendered much lighter.

Mr. GLADSTONE: Sir, I am induced to rise at this period of the discussion, because I do not feel entirely certain that the Committe are aware of the precise nature and bearings of the Resolution which has already been read from the chair. In the excellent speech of my right hon. Friend the Chancellor of the Exchequer—a speech distinguished as well by the utmost candour and fairness as by its great clearness—in that excellent speech I only regretted a single omission—namely, that my right hon. Friend did not state to us precisely both the order of the Votes he intended to ask for to-night, and likewise the exact effect and character of those Votes. If, therefore, I now presume to state what is the nature and character of those Votes, I do so only with a view of offering my humble assistance to the Committee, and I shall do so subject to correction from my right hon. Friend if what I state is inaccurate. I apprehend my right hon. Friend will ask us to-night in the first place for a Vote which will empower him on the subject of the loan for which he has made a provisional contract; and I presume that, after having done so, he will go on to ask for a series of further Votes, which will enable him to levy the new taxes he has proposed in so far as they belong to the class and character of indirect taxation. If I am right, the Votes for which my right hon. Friend will thus ask us are entirely distinct in their substantial character. If he asks us for a Vote to levy an increased duty on tea, sugar, coffee, or spirit, to-morrow morning, I apprehend he is in a condition to say that, as far as the Vote of to-night is concerned, it does not in any way commit the final judgment of hon. Members, but that every Gentleman who concurs in the Vote to-night, if he thinks proper, in the very next stage of proceedings will be as free to take a different course, and to reverse the measure proposed by the Chancellor of the Exchequer, as if he had never concurred in the preliminary step. I am afraid that the Committee may think it an analogous proceeding with respect to the Vote on the loan; but, on the contrary—not from any fault of my right hon. Friend, for he has acted in strict conformity to practice and according to the dictates of prudence—I apprehend he is asking for a Vote on the subject of the loan which will be binding and conclusive between us and the contractors, and, though with reference to the taxes proposed you are only called upon to give an indirect and technical Vote, yet you are going to commit yourselves as to the loan of 16,000,000*l.* I apprehend I am right in this statement. [The Chancellor of the Exchequer signified his assent.] I understand then that the Vote we are called upon to give will be a distinct "ay" or "no" as to the arrangements my right hon. Friend proposes to make between the State and certain contractors who are about to lend us 16,000,000*l.*; and that, after having given this vote, though we may criticise the arrangement, yet it will not be competent to us to dispute or interfere with the conditions of this contract. If this is the state of the case, the Committee is aware of the issue before it, and must consider the Resolution which we have now heard for the first time; and in consenting to which the Committee will sanction the provisional contract which has been made. Up to this moment we possess entire liberty, which, by consenting to the Resolution, we are about to part with. I am not prepared to withhold my affirmative vote from the proposal of my right hon. Friend, if the House should confirm the contract which he has provisionally entered into; but, before I say anything on the merits of the contract, I wish to express my desire, for fear of any misunderstanding, that we should exclude from the Resolution that portion of it which relates to the peculiar arrangement proposed by my right hon. Friend for the repayment of the loan. My right hon. Friend has proposed an arrangement, with respect to which I give him credit, not only for the best, but for the highest intentions; for he has tried on his part to vindicate the principle that we should transmit as little as possible of the burden of this war to those who are to follow us, and that we should make provision as far as we can to discharge its expenses ourselves. At the same time, without giving any conclusive judgment, I feel great doubt and difficulty with regard to the peculiar provisions proposed for the repayment of the loan, and should wish to have time to consider these provisions; but I am afraid that it is just possible we may be told, if we agree to-night to the Resolution now before the Committee, which Resolution is understood to be binding and conclusive as to the substance of the arrangement, the Committee may find that it has parted with its liberty with regard to the peculiar arrangements made for the repayment of the loan, and that it will be held that the Resolution of this House sanctions the substantial contract between the State and the lenders of the money, and that they will have a right to bind and hold us to the peculiar provisions which my right hon. Friend proposes. What I would suggest to my right hon. Friend is, that the provisions with respect to the repayment of the loan should be separated from the rest of the Resolution, and I am not aware of any strong reason, if it is so separated and put into a distinct Resolution, why a Resolution should be taken on it to-night. I hope my right hon. Friend will consent to separate this Resolution, so that we may be left free not only to canvass his proposals as to the repayment of the loan, but even to modify his Resolution in that respect. I listened to the speech of the hon. Member for Wick (Mr. Laing) with great interest, and sympathised in the high English spirit which it appeared to evince; but I am not prepared to say with him that it was the duty of my right hon. Friend to propose to us on the present occasion to raise the income tax to 10 per cent. My opinion is that, if all persons who are payers of the income tax possessed the same incomes and were in the same circumstances as those who listened to the hon. Member's speech, then it would have been right and obligatory on my right hon. Friend to propose to raise the income tax to 10 per cent; it would have been the simplest, the most powerful, the safest, and fairest measure he could have taken. But it is only those who are actually conversant with financial affairs who are aware of how severe becomes the pressure of the income tax when you approach the classes that are touched by it when you come to its lowest limits. I am bound to say that it is a serious and doubtful question whether you can carry the augmentation of the income tax to the war limit of 10 per cent without undertaking the difficult political problem of a further extension of the income tax downwards beyond any limit that has yet been attempted. Let us consider the present position of the income tax. You levy it on persons possessing an income of 100*l.* a year, and, in so doing, I may say that you take it from the whole of the educated part of the community; those of the educated class who receive less than 100*l.* are so few that they may for the present be put out of the question, while, on the other hand, those labourers and mechanics who receive 100*l.* are limited in number. Therefore, in the main, the dividing line of 100*l.* is the line between the educated and the labouring part of the community. I hope the sense in which I use these terms is understood. What I feel strongly, and what I think the Committee must feel is that, measuring wealth and poverty not by figures merely, but by their relations—station, position, and social wants—the educated part of the community, with 100*l.* a year, is clearly poorer than the less educated part of the community, who may have 60*l.*, 70*l.*, or 80*l.* per annum. I say, therefore, that it is not a mere fiscal question to be settled at a stroke—that there are more than mere fiscal questions involved in the question, whether we should raise the income tax to 10 per cent or not. I look at the augmentation of the income tax as a necessary incident of the war, and have not a doubt that if the war is materially protracted you must raise it to 10 per cent; but, if you do so, you must consider in connection with it the relation of the classes to which I have briefly adverted—that great political problem—and, also, the extensive machinery that will be required, and the difficulties of its administration. I think my right hon. Friend, not finding it absolutely necessary to undertake these gigantic difficulties, was justified in resorting to other means, and I am not prepared to join in a censure for his not having proposed to raise the income tax to 10 per cent. I am bound to say that, though not prepared to withhold my vote from the proposal of the Chancellor of the Exchequer to borrow a large sum of money, my impressions on the subject of public loans are not different from those which I entertained when I had the honour to propose a War Budget to this House. If there is one sentence in the speech of my right hon. Friend from which I emphatically differ—and that difference is a verbal, though a marked one—it is contained in the sentence in which he referred to the able and ingenious pamphlet, well worthy of the attention of every Member of this House and of the public generally, recently published by Mr. Newmarch, who has examined in detail the financial policy of Mr. Pitt during the revolutionary war. The words of my right hon. Friend were, I think, that Mr. Newmarch had shown that the loans of Mr. Pitt were contracted on far more advantageous terms for the public than was of late years commonly supposed to be the case. I frankly own that, in my opinion, that is not what Mr. Newmarch has proved. What he has shown is this—that infinitely greater difficulties than are commonly supposed would have beset the path of Mr. Pitt if he had attempted to proceed in another manner. No doubt Mr. Newmarch shows that you could not have realised the whole of those advantages which many persons supposed that you might have gained from a different method of proceeding. It has been a common idea that if you had borrowed at 5 per cent in place of at 3 per cent, instead of getting 100*l*. at the latter rate you could easily have got 166*l*. at the former. In my opinion Mr. Newmarch shows that there is no mode of borrowing which is advantageous to the public, but that all modes alike are attended with difficulty and disadvantage. I own that he strengthens my opinion of the damage and detriment which accrue to the public from becoming borrowers upon a large scale under pressing necessities; for he shows, not that Mr. Pitt's loans were less disadvantageous to the country, but that any loans whatever, contracted how you will, must be attended with immense economical diasadvantages and with heavy pecuniary burdens. But with these impressions upon my mind, and being by no means disposed to extenuate my share in the proposals of last year—on the contrary, being well content to have been the instrument of any Government in inducing the House of Commons to make what I think was a manly, resolute, honourable, and successful effort—without in the slightest degree receding under that storm of invective which every man must expect who does not endeavour to square and suit himself to everybody's convenience, but remembers that there is such thing as the public interest, which, after all, is somewhat different from the convenience of classes—being prepared to stand up and contend for the principle which I then avowed; yet I apprehend that there is a limit to its application, and that we cannot possibly expect a free country—that we cannot possibly expect even this great and enlightened assembly, representing a free country—to push the very soundest economical doctrines, under all circumstances, to their extremes. You must remember that you have to deal with flesh and blood, and that you cannot ask from flesh and blood more than they can reasonably bear. I go a step further, and I admit that there is a point at which the sudden accumulation of taxation becomes so great an evil, and so great a cause of disturbance to all personal and social relations, that it is better to provide yourself with money up to a certain limit at a pecuniary disadvantage than to carry that disturbance through all ranks of the country. Therefore, for some considerable time past—ever since the growth of the expenditure for the war became so uncontrollable—I have fully admitted that it was necessary for the Government to make provision for a considerable portion of the expenses of the year by borrowing money, and I was prepared to say that the Chancellor of the Exchequer could not be blamed for resorting to a loan. I do not speak merely of raising money in anticipation of taxes—I myself last year made provision for a considerable portion of the expenses by borrowed money

—but it was merely borrowed money in anticipation of taxes, which has been covered, within a million, by the taxes raised last year —but it was clear to me that some more extended measure must be resorted to if we were to make provision for another year of war expenditure. Holding that opinion, I am not disposed to enter upon any minute criticism as to the precise proportion of money to be borrowed in comparison with that to be raised by taxes, or even as to the question whether my right hon. Friend has selected the stock in which to borrow with a sound estimate of the public interests, or whether he might have carried to a greater extent the principle of borrowing by terminable annuities. I entirely agree with him that it would not have been practicable, except upon the most extravagant terms, to complete the whole, or anything like the whole, of his operation in that form. These are questions which, upon the fitting occasion, it may be proper to discuss, but it does not become me to discuss them now. The question for me is, whether I think, upon the whole, that the principle and outline of my right hon. Friend's plan, considered simply as a means of providing for the financial necessities of the country, are such that I should give to them my support, and I am quite prepared to say that none of those preferences which we may have for one mode of proceeding over another should induce us—as they do not refer to matters of primary importance—to withhold our vote from the plan of my right hon. Friend, the general principle of which we approve. I certainly should wish to have the power of considering more maturely the special provisions which he proposes to make for the repayment of the loan; but, as respects the form of the loan, I shall not even question the abstract merits of the proposition, because I am of opinion that it is of capital importance that the House should maintain the strength and credit of its financial organ in the face of the country; and even if it were in my power to show—which I do not assume—that in one point or another my right hon. Friend might have made this proposal in a manner more precisely coinciding with the public interest, yet I should have to balance the advantage so obtained against the great and heavy disadvantage—which I have good reason to know to be a great and heavy disadvantage—which a Chancellor of the Exchequer, who is the guardian of the public interests, is exposed to by criticisms which, though unavailing indeed, are actively, zealously, and constantly indulged in upon the plan which he proposes. I, therefore, am very much disposed to withhold those criticisms upon the present occasion. But there is another question upon which I think it necessary to reserve my judgment. My right hon. Friend opened his speech by referring to the time at which he made his financial statement, and he appeared to think that he owed us some apology for not having come before us at an earlier period with this exposition of his views. There was one reason, undoubtedly, why it was desirable, if it could have been done, that the finances of the country should have been brought before the House of Commons at a very early period of the Session, and that was, that the extremely rapid growth of expenditure during the last quarter has outstripped all bounds and all possibility of calculation. That rapid growth of expenditure pressed so severely upon the immediate resources of the Exchequer that it was necessary, if the Minister did not ask for additional supplies, that he should use his own discretionary power, and, availing himself to a certain extent of the favourable state of the public funds, should raise money by the sale of stock belonging to the National Debt Commissioners. My hon. Friend below me (Mr. Laing) has censured that step. I am responsible, however, for a large part of that proceeding, and my right hon. Friend is responsible for having continued in the same track. I do not believe that it would have been satisfactory to the House that, before the conclusion of the financial year, it should be called upon to make another financial arrangement. The real truth of the case is, that in time of peace it is an easy thing to propose to the House of Commons a financial arrangement which shall last over twelve months; but in time of war it is extremely difficult to do so. On the other hand, it is most annoying and worrying to the House of Commons to be continually pressed with one application after another for an increase of taxation; and it is most desirable to adhere, if possible, to the principle of an annual statement in preference to a multiplication of your financial plans. It may be open to question whether last year, in our desire to act in a constitutional manner, and to place ourselves at the command of Parliament, it was for the public convenience that the House of Commons should have been twice called upon to alter its arrangements, and to make additional pecuniary provisions for the expenditure; at any rate, I think that my right hon. Friend did quite right to reserve his statement to the usual time, and that he did right to use his discretionary powers for obtaining money upon terms which I do not think at all disadvantageous, but rather the reverse, instead of coming down prematurely to Parliament with a budget which he would have to alter again before the end of the Session. I am about to express regret in quite a different direction. I am decidedly disposed to regret that my right hon. Friend, having postponed his financial statement till the 20th of April, did not postpone it and the loan consequent upon it for a week or a fortnight longer; and I am so upon account of a question of the greatest importance. You have at this moment negotiations going forward at Vienna. Upon the issue of those negotiations it must depend whether your expenditure will be, as my right hon. Friend says, 86,000,000*l.*, or under 70,000,000*l.* If you were to conclude peace to-morrow your expenditure for next year would probably be greater than for the year which has just closed, yet it would not be near the mark which my right hon. Friend has estimated. Take, for example, the item of 4,000,000*l.* for embodying the militia. Of that sum 3,000,000*l.* at least, and perhaps more, would be saved in case of peace. Then, again, for the transport service there is a sum of from 5,000,000*l.* to 6,000,000*l.* which has been voted, more than one-half of which would in all probability be saved if the negotiations which are now going on should lead to an immediate peace. We have also the large estimate of 8,000,000*l.* for the Ordnance Department, a large portion of which is voted as a provision to meet the weekly, daily—nay hourly consumption arising from the exigencies of the war, and the necessity for those supplies and the arrangements connected with them would terminate with the war itself. It appears, then, that a large portion of the money which has been voted is connected with the immediate expenditure for the war, and I should have been glad if we had not been called upon to take a step of so great importance as the one which has this evening been proposed, at a time when we may expect from day to day to learn the issue of the conferences now being held at Vienna. I do not mean to say—for I am aware of the argument that might be urged if I did, that a war may leave off at any time—that by the present proposal you are pledging yourself to carry on the war; but our present position, as it appears to me, is somewhat peculiar. We have negotiations on foot in which a certain progress has been made. We have arrived at the third out of four conditions, and we have something like a moral certainty that if the negotiations on that third condition should fail in being brought to a satisfactory termination—and if they do unhappily fail we shall know it in a few days—the war will continue. Under these circumstances, I should have thought that, financially speaking, the budget, having been delayed to the 20th April, might have been advantageously postponed to a somewhat later period. [Mr. Wilson intimated dissent.] I see that my hon. Friend the Secretary of the Treasury shakes his head, but I think I am sufficiently familiar with the ordinary practice of my hon. Friend to understand the meaning of that shake of the head. I think he meant to express his conviction that if the budget had been postponed things could not have gone on; and I can quite believe that my right hon. Friend the Chancellor of the Exchequer might have found it necessary to ask for some temporary means of obtaining money on certain conditions, but on conditions not involving an important financial arrangement like that now proposed. I must add one sentence to what I have already said, because I am anxious that my vote to-night should not be made to bear an aspect which in reality it does not bear. It is to my mind impossible to overstate the magnitude of the issues involved in the negotiations now going on at Vienna. I confess it pains me deeply to see signs of levity, come they whence they may—and I do not allude to what has taken place in this House, for here I am glad to say I have seen no such tone exhibited—with reference to matters of such tremendous interest. I apprehend that when these negotiations are concluded, whatever may be the result, whether they lead to peace—which God grant—or whether they terminate in a manner which will render necessary a prolongation of the war, the House of Commons and the country, in one form or other, will have to pass their judgment upon them. It will then be for this House to determine whether in its judgment the Government has conceded too much or too little—whether it has well discharged its duty and its awful responsibility either of acceptance or rejection of terms of peace; and it is hardly possible to find language strong enough to characterise the grave nature of the responsibility which now devolves upon them. One thing is clear, and that is, that you cannot come out of the conferences now going on at Vienna as you entered into them. It would indeed be a sufficiently important matter for reflection if the only question involved in the conferences was the continuance of the war, after the conclusion of the conferences, upon the same footing as that upon which we stood before their commencement and holding the same relations towards the other Powers of Europe which we then held; but there is a high probability—if not a certainty—that if these conferences terminate without any result, your relations with the other Powers of Europe will be essentially changed. Compared with the present position of this country, the fundamentally new conditions under which it may be called upon to pursue the war form a question of gigantic importance. I wish that there should be no misunderstanding as regards the vote which I shall this night give—I do not wish it to be regarded as my judgment upon that awful question. Do not let it be said, that by consenting to make pecuniary provision for the year I have committed myself to the issue of the Vienna Conferences. As to the mere financial advantage of taking a loan at the present moment, I am perfectly willing to pass by that question rather than to attempt to interfere with the Government or with my right hon. Friend, but I reserve to myself the most perfect and absolute freedom to pass my judgment with respect to the issue of the conferences at Vienna. I will no longer trespass on the time of the Committee, but I will only say that my object has been to endeavour to place in a clear point of view the vote we are now called upon to give, and I, for my own part, retaining all my objection to loans, and all the desire I have always expressed that the expenses of the war should be defrayed, as far as they reasonably can be, from the taxation of the year, and reserving to myself the perfect freedom to which I have alluded, shall say "aye" to the proposal of my right hon. Friend.

SIR FITZROY KELLY said, he felt that he could not consistently with his duty give a silent vote upon the Resolutions before the Committee; but he felt called upon to call attention to one or two considerations regarding the loan which had that night been announced by the right hon. Gentleman the Chancellor of the Exchequer. It was not his intention to trouble the Committee with any observations on the proposed increase of direct or indirect taxation, but, as regarded the loan, it might prove, as had been suggested, by the hon. Member for Wick (Mr. Laing) the first of a series of loans to which the House would be called upon to assent, and it certainly was the duty of the Committee to withhold its approbation from any loan which might be proposed if they were satisfied that the plan proposed was vicious in principle and detrimental to the public interest. He felt called upon to say that the scheme of the loan now proposed by the right hon. Gentleman was marked with every defect which could belong to a loan, while it possessed no single advantage which the present state of the public revenue enabled a Minister to command. The scheme embraced two conflicting and objectionable principles, inasmuch as an amount of stock equal to the capital borrowed was created, and at the same time the repayment of a portion of the loan was to be made upon terminable annuities. It appeared to him that, looking at the present rate of interest and the price of the funds, to borrow 16,000,000*l*. by the creation of an equal amount of stock was to proceed upon a false principle, and one which involved a large sacrifice of the public money. From the beginning of the year to the present day it appeared to him impossible that a worse time could have been selected or a more unfortunate moment for proposing a loan. The present state of the negotiations at Vienna, and the condition of the war in the Crimea, acting upon the money-market, rendered it more disadvantageous to contract a loan at the present day than at any former period of the year, and more especially as the public were led to believe that a very few days would bring the negotiations to a point which would give the public information to enable them to consider the terms upon which the loan was to be adopted. The first observation he should make was, that by creating this loan of 16,000,000*l*. when the funds were about 10 per cent. below par, they made it impossible at any future time, however favourable the circumstances might be, for the country to get out of it with a loss of less than 1,600,000*l*. The difference between the present period and the time of Mr. Pitt, to which the right hon. Gentleman referred for precedents, was this—that in Mr. Pitt's time not only was a long war anticipated, which depressed the money-market to an almost unexampled degree, but public credit was at that time at its lowest ebb, and the mercantile community was in a condition of deep and wide-spread distress. Could, then, the terms at which a loan was obtained under such circumstances justify the bargain made by the Government now, when public credit was high and money abundant, and when, if some different principle had been acted upon, much more advantageous terms might doubtless have been procured for the public, and a saving of some 40,000*l.* or 50,000*l.* a year in interest at least effected. He conceived there were still greater objections to the other part of the right hon. Gentleman's proposition—namely, that which involved the payment of an interest of 14*s.* 6*d.* by means of a terminable annuity expiring at the end of 30 years. This he thought was paying an unnecessary and extravagant per centage. He was of opinion that nothing but a case of extreme national necessity could justify any addition to the national debt, and therefore he did not hesitate to say that he was favourable, as a matter of general principle, to the raising of money by terminable annuities. But he must qualify that observation by adding that for Government to raise money on terminable annuities, when the rate of interest was high, and the price of the public funds far below what it would be in a time of prosperity, was making a bargain obviously most disadvantageous to the country, and guaranteeing for the long period of thirty years a rate of interest which they all hoped might not continue for more than three or four years longer. If the present war were to terminate in three, four, or five years, there could be no doubt that the rate of interest would fall, and there would be the means of obtaining a loan to any amount either by the creation of stock or terminable annuities on much more favourable terms than at present:—yet in consequence of the bargain now being made the country would have guaranteed a rate of interest for thirty years founded on the state of the money-market at the present moment under all the effects of an existing war. This naturally accounted for the hard terms forced on the right hon. Gentleman; for in accepting this loan the Government had sacrificed about a million sterling in capital, and in interest some 40,000*l.* or 50,000*l.* a year. The present price of the funds being about 90, money was worth about 3*l.* 6*s.* 8*d.* per cent. and no doubt with the credit of the Government it would have been perfectly easy for the right hon. Gentleman to raise 16,000,000*l.* at the current interest of the day, for as long or as short a time as the Government might think it necessary to retain the money, and thus he would have been enabled, when the rate of interest fell, to pay off the loan by a fresh loan at a reduced interest. But instead of that, the right hon. Gentleman proposed the double plan now before the Committee. He had required an advance of what might be called a sum of 1,600,000*l.* upon a terminable annuity of thirty years, not at 3*l.* 6*s.* 8*d.*, the present value of money, but at 3*l.* 14*s.* 6*d.*, which was paying 8*s.* per cent., or 62,000*l.* a-year, for the difference between a perpetual annuity and an annuity for thirty years on the sum of 1,600,000*l.* It had been stated that Pitt made his loans during the war upon the principle of the right hon. Gentleman; but it should be borne in mind that that statesman never borrowed upon the creation of stock until he had exhausted all the resources of his genius, until all his efforts had failed to procure money on other terms. He should abstain from dividing the Committee on the question, following the example of the right hon. Member for the University of Oxford; because he felt that it was the duty of every Member of the House, engaged as they were in a war requiring all the efforts and resources at their command, not to thwart her Majesty's Government in any measures they might bring forward for the carrying on of that war, unless they should feel that, besides being vicious in principle and detrimental to the public interest, it would actually be a breach of faith in the House to sanction them. The loan, although both vicious and detrimental, was yet necessary for the purposes of the war. He should not, therefore, oppose the passing of the Resolution, but he entered his protest against the principles on which the loan was to be raised. Should they feel themselves again under the necessity of once more resorting to the money market, he hoped it would be upon other and more advantageous terms.

Mr. W. WILLIAMS said, that, so far as concerned the direct taxation the right hon. Gentleman proposed, he saw nothing particularly objectionable, but he decidedly objected to the way in which it was proposed to add to the national debt, the amount of which was already so enormous. The right hon. Gentleman had followed in the track of all former Chancellors of the Exchequer, who, whenever they were under any financial pressure, resorted to an addition to the national debt. In this manner we had added no less than 44,000,000*l.* to it during the last twenty years; and, although it might be alleged that we had made some reductions, they did not compensate for the augmentations of the debt. When 8,000,000*l.* had to be raised to relieve the distress in Ireland a few years ago, the then Chancellor of the Exchequer, making the best bargain he could in Consols, added to the debt more by 938,000*l.* than he received in money. He therefore remarked with pleasure that now, for the first time, the Chancellor of the Exchequer proposed to get his pound sterling for his pound of Consols. If Mr. Pitt had adopted that principle, our national debt would now be 175,000,000*l.* less than it was. We had in 1798 a Finance Minister who made a loan of 34,000,000*l.* in Consols; and how much did he get for that? Just half the amount—only 17,000,000*l.* The 3 per cent Consols now amounted to more than 500,000,000*l.* sterling, and their interest could not be reduced without a twelve month's notice; and no Chancellor of the Exchequer would be bold enough to attempt it with such an amount; yet it was now proposed to add to that amount. Our national debt in 1818 amounted to 776,000,000*l.*, and in 1852 it was 765,000,000*l.*, so that 11,500,000*l.* was the whole amount of the reduction we had effected in the last forty years; but if he included the Exchequer bonds and Exchequer bills, our whole debt was but little less than 800,000,000*l.*, and would some day swamp the country. The proposition to lay aside 1,000,000*l.* yearly for sixteen years to pay off these 16,000,000*l.* was quite fallacious. It was not likely the House of Commons would be disposed to carry it out; and if they did, what an enormous loss the public would sustain when each million of these Consols, which were issued now at 86½, were to be bought back again, perhaps, at the price of 101 or 102, at a future day! The right hon. Gentleman had omitted, in his (Mr. Williams's) opinion, a very important item of taxation. He alluded to the omission of imposing the probate and legacy duty, and all property belonging to corporations, colleges, Universities, and properties of that kind which now escape, but which would not have escaped under the Chancellorship of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone). He (Mr. Williams) brought the question before the House some little time ago, and the Chancellor of the Exchequer promised to consider it—indeed, he stated that the late Chancellor of the Exchequer had left him the outline of a Bill which would be satisfactory with regard to that important measure. Although successive Governments had not been very successful in regard to the reduction of the national debt, he held that they were not justified in making additions to the debt irrespective of its present enormous amount, for he believed that the time would come when, as had been described by Hume, (the historian), the debt would put down the country, or the country would put down the debt. To that end it was as certain to come as day followed night, unless the Government put a speedy stop to the system of increasing our national debt. He desired to object in the strongest terms possible to any increase of the 3 per cent Consols, and he was surprised that any Chancellor of the Exchequer should recommend such a course, why not create new stock reserving the right to pay it off at par after twenty years.

The CHANCELLOR OF THE EXCHEQUER wished to say a few words in reply to the observations of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone). In negotiating the loan now under the consideration of the House the Government had strictly followed the precedents set by former Governments; and, though they were conscious that the course necessarily limited to a certain extent the discretion of the House, and would gladly have adopted some other means of providing for existing exigencies, they had found it impossible to resort to any other course. It was not their wish to do so if they could have adopted any other course previously to obtaining the consent of the House; but it must be obvious to any hon. Member, on reflection, that it would be utterly impossible for any Government to come down to the House and discuss the manner in which a loan should be effected, to arrange the minimum terms, and settle the details of negotiations which, in order to be successful, must necessarily be settled in private. So far from obtaining more satisfactory terms by the adoption of such a course, he believed that a contrary result would have been shown. They therefore decided to adhere to the precedents of former Governments, and had in no respect departed from them. It necessarily followed that, a provisional contract having been made with reference to the loan, they must now ask the House to abide by the terms contained in that contract, for it was impossible for the Government to consent to any alteration. With regard to the proposition to which his right hon. Friend had referred for the repayment of 1,000,000*l.* a year at the termination of the war, that was not one of the essential conditions of the contract, and was a matter entirely open for the consideration of the House. If the House should not approve that provision it would be quite competent to them to modify or reject it. He hoped, however, that the Resolution relating to that subject would be permitted to pass with the other Resolutions to-night, as its omission might occasion some inconvenience, and he would undertake to say that that provision should not be viewed by the Government on the same footing as those parts of the Resolutions which were matters of contract with the lenders. With regard to the question of terminable annuities, the hon. and learned Gentleman (Sir F. Kelly) seemed to be under the impression that the Government had resorted to some novel and unprecedented course; but so far was that from being the case that the whole of the existing terminable annuities, which now amounted to above 1,000,000*l.* a year, had been created in the same manner, namely, as attendant annuities upon loans. From 1793 to 1816 there had been thirty-one loans contracted, ten of which were aided by long annuities; and the slave compensation loan, contracted more recently, had been aided in the same manner. In adopting this mode of borrowing money the Government had, therefore, followed a long series of precedents. The hon. and learned Gentleman complained that the Government obtained 100*l.* in money for every 100*l.* of stock they created; but he (the Chancellor of the Exchequer) was at a loss to understand how that could be said to be a losing bargain on their part. When the Government, in borrowing money, gave 100*l.* of stock for some 70*l.* or 80*l.* or 90*l.* in money, the bargain was perhaps a disadvantageous one for them, but he could not see on what ground a complaint could be made against the Government, that they received 100*l.* in money for each 100*l.* of stock.

MR. HEYWORTH said, he had a most serious objection to all indirect taxation, because it tended to raise the price of all articles of general consumption. If prices were raised, consumption diminished, and a diminished consumption materially affected the industry of the country, destroying the very sources from which the country derived all the wealth which paid all the taxes. That was the ground on which politically he objected to indirect taxation. Members of that House did not like to increase their income tax, or to impose any additional tax upon those who were rich; but they had no hesitation in putting it upon the poor in the shape of a tax upon articles which they consumed, and which they paid for out of their incomes. It would have been far more politic and just to raise the additional taxation by an increased income tax, even if it amounted to 20 per cent—that would have shown some hardihood and nobleness in their warlike profession—but he should oppose any measure which recognised the objectionable system of indirect taxation.

MR. H. BAILLIE said, the Chancellor of the Exchequer appeared to have misunderstood the observations of his hon. and learned Friend the Member for East Suffolk (Sir F. Kelly), in whose views he entirely concurred. He (Mr. Baillie) believed that if the Chancellor of the Exchequer had gone into the market, and had borrowed money at the present rate of interest, which was about 3½ per cent, instead of bargaining to pay what was equivalent to 3¾ per cent, the Three-and-a-half per Cents thus created might, on the conclusion of peace, have been reduced without difficulty to Three per cents, and the country would have been relieved from a burden of ¾ per cent upon the debt, which under the present plan they would be compelled to pay for thirty years.

MR. WILKINSON said, he thought that the plan of the Chancellor of the Exchequer for raising the loan had been contrived so as to meet objections from both sides; because it would not defray the increased expenditure entirely from the revenue of the year, neither would it do so wholly by loan; while on the other hand, the amount to be borrowed would not be raised exclusively by perpetual annuities nor by terminable annuities. The scheme was therefore based upon a combination of the different principles advocated in opposite quarters. As to raising money upon Consols, it too was clearly the duty of the Chancellor of the Exchequer to borrow as cheaply as he could; and if the entire sum wanted were to be raised in the shape of Three per Cent consolidated and perpetual stock, it was not improbable that that would be a more advantageous arrangement for the public. It was notorious that the Three per Cent Consols were more in demand and fetched a higher price than other stocks, in consequence of what had been termed their "delightful simplicity." As to the plan of the right hon. Gentleman (Mr. Gladstone) for creating a two-and-half per cent stock, it was no doubt a great and a remarkably good plan, only it had been tried and found to fail, and therefore was not at all feasible. He scarcely thought, too, that the country would prove to be so virtuous as to lay by 1,000,000*l.* a year for the purpose of redeeming the stock now proposed to be borrowed.

Mr. JOHN MACGREGOR said, he would give the Chancellor of the Exchequer credit for sincerity in the conviction that his measures were of the best possible character; but he was compelled to differ from him. He did not think that the present state of affairs justified a loan in the manner now proposed; he objected not only to the form of it, but he thought the right hon. Gentleman had committed a grave error in not having thrown it open to public competition. If that course had been pursued, and the necessary amount had been borrowed in the form of terminable annuities, no doubt sufficient money could have been obtained at an average rate of 3¾ per cent, with this advantage, that the debt would have vanished for ever at a given period. When the late French loan was announced and thrown open to public competition, more than double the sum demanded was rapidly subscribed; and a similar result would, in all probability, attend the adoption of that principle in this country. The country had long pronounced its verdict against any addition being made to its permanent debt, and the House should therefore pause before it suffered itself to be hastily drawn into sanctioning a fallacious and dangerous principle. The Government had not treated the country with confidence in this matter. There was now less prospect of peace than there was six months ago—the war was now only at its commencement, and it was obvious that if there was a deficit of 23,000,000*l.* at this early stage of the struggle, the present budget, should the House unwisely commit itself to its principle, would be only the first of a series of similar additions to our already enormous and overwhelming public debt. He therefore trusted the House would pause before they sanctioned the present proposal of the Chancellor of the Exchequer. Montesquieu had observed that the English constitution would fail when the House of Commons became more corrupt than the Government—in other words, when they fell into apathy—and he much regretted to see so small an attendance when measures were being discussed which would injure the real interests of the country. Posterity was not being treated fairly, and it would say that it was not responsible, for it was not represented, and that the tax was saddled upon it without its consent by those who engaged in measures to which it was not a party. If ever there were measures which exhibited little practical wisdom with respect to future events they were those of the Chancellor of the Exchequer. If the House agreed to them, the country would not, and he would do all he could to make the country take up his opinions. He believed that Government belonged to the fatal number whom the gods had in their anger determined to destroy, but whom in their mercy they had first deprived of their senses to prevent them feeling their sufferings. He protested against the Resolution, which he was afraid would be only the commencement of a series of loans; and he must also dissent from the other parts of the budget. He had consented to arrest the decline in the tea duties in the present state of affairs, but he was opposed to any increase in them. Our merchants had framed their calculations upon the hypothesis that the existing legislation with regard to import duties on articles of consumption would be maintained, little dreaming after all that had passed in Parliament of late years on this long-controverted subject, that the Legislature would be asked to retrace its steps and increase those duties. Although he thought their minimum scale of sugar duties had been fixed too low, the attempt to increase those and the tea duties would bring down upon the Government the curses of every woman in the country. This was one of the worst budgets that had ever been proposed, and it would make the Government more unpopular than any other measure they could have introduced.

Mr. MUNTZ said, the hon. Gentleman

who had just sat down had observed that posterity would have a right to complain of being taxed in the manner proposed. Posterity might complain of them as they complained of their ancestors; but what would posterity say if in avoiding to tax them, they were to allow the Russians to carry the war into Europe generally, and to take possession of different countries till they arrived at our own coast, and destroyed all our trade and prosperity? No man could have a greater objection to loans under ordinary circumstances than he had, believing as he did that when money was obtained easily, either in public or in private life, it was generally spent wastefully. But this was an exceptional case, for there never before was a war which belonged so completely to posterity as the present one. It was of no interest to the nation at large, as it existed, whether the war were carried on or not; and if the war were for posterity, surely posterity ought to pay something toward the expense. He did not object to a loan, but he objected to the principle which had been adopted. He was quite at a loss to understand why the Government had not adopted the principle of terminable annuities, and on that point he agreed with the hon. Member for the Wick Burghs (Mr. Laing), that the only question was what the country should pay. With terminable annuities only, the transaction would ultimately have closed itself, and the loan have come to an end. He thought the House of Commons was used in a rather extraordinary manner, inasmuch as the Government did not come there in the first instance to ask what the loan should be, whether as regarded the amount or the terms, but agreed with a great capitalist for a loan at a certain rate, and then came to them for sanction. That was making a laughing-stock of the House. How could the House check the Government when the whole affair had been settled before it was brought under their notice? With regard to the rest of the budget, he thought it would cause much unnecessary suffering to merchants by making alterations which they had no reason to anticipate. As regarded the income tax, he objected as strongly as any one to the manner in which that impost was now levied, but he would rather see it extended so as to meet the requirements of the country, than see any increase of the taxes on the necessaries of life.

Mr. HILDYARD wished to know whether the Chancellor of the Exchequer proposed that the increase of twopence in the pound should apply to incomes under 150*l.* a year?

The CHANCELLOR of the EXCHEQUER said, his proposition was that the increase should apply to incomes generally.

Mr. MASTERMAN said, he thought the House ought to come to an early decision with regard to the loan. He did not think the Government had made an unfavourable bargain for the country. In his opinion the House should be satisfied with the bargain, and not hesitate to sanction it.

Mr. THORNELY was gratified to learn from the Chancellor of the Exchequer that they would not bind themselves by assenting to the Resolution in the chairman's hands, to appropriate a million a year after a treaty of peace had been signed, to the extinction of the three per cent consols. He totally objected to the making of such an engagement beforehand, and was satisfied with the present arrangement with regard to the sinking fund.

Mr. MALINS said, having last year deprecated any attempt to raise the amount required annually during the war from taxes levied within the year, he felt extremely gratified that the present Chancellor of the Exchequer was not about to engage in such a task. On general principles he approved of the plan adopted by the Chancellor of the Exchequer for the purpose of meeting the deficiency; and he thought the Government had made a fair compromise between direct and indirect taxation, when they proposed to raise 3,300,000*l.* by indirect, and 2,000,000*l.* by direct taxation. The Government had, in his opinion exercised a wise discretion in coming forward so early for a loan, and in giving up all attempts to raise 86,000*l.* within the present year; and if it should be necessary to carry on the war for a long period, he hoped the Government would endeavour to meet it by a mixture of direct and indirect taxation, combined with moderate loans on the best terms that could be obtained. He rose chiefly for the purpose of expressing his approval of the budget submitted to the House.

Resolution *agreed to.*

Resolution having reference to the spirit and malt duties having been read,

The CHANCELLOR of the EXCHEQUER stated, in reply to a question from Mr. Craufurd, that the Government had no intention to make any alteration with regard to the drawback on malt.

Resolution *agreed to*.

Other Resolutions *agreed to*.

MR. JOHN MACGREGOR rose to warn the House against reporting the Resolutions in a hasty and ill-considered manner. The effect of reporting these Resolutions would be to enable the Government to levy from to-morrow all the new taxes indicated by them, without having to wait for the authorisation of distinct Acts of Parliament. He was quite aware that to oppose this new scheme of taxation would be quite in vain, unsupported as the attempt must be by any organised party opposition. Still he could not allow the moment to pass without entering his protest against the rash interference with the progress of industry and commerce contemplated by the proposal announced that evening.

Resolutions to be *reported* on Monday next.

The House resumed.

ARMY BEFORE SEBASTOPOL COMMITTEE.

MR. BENTINCK rose to move, that Mr. John Ball be discharged from further attendance on Army before Sebastopol Committee, and that Captain Scobell be appointed in his place. The hon. Gentleman said that he wished, in bringing forward this Motion, to state in the first place, that he did so without any wish to disparage the hon. Gentleman whose name was involved in it. Upon general grounds no one probably was more competent to be a Member of the Committee than the hon. Member for the county Carlow; but it appeared to him to be perfectly impossible that an hon. Gentleman who was a Member of the Government could look upon a Committee, or upon the report of a Committee, which was to try the conduct of that Government, with the same impartiality as if he were sitting below the gangway in the place he occupied in the early part of the Session. A great deal was said at the time the Committee was formed of the importance of having the most impartial names that could be selected for the purpose. With that view various names were selected and various names were rejected. Now, to have on that Committee the name of an hon. Gentleman himself a Member of the Government, was, he humbly submitted, a proceeding wholly inconsistent with previous acts. They might be told, however, that the present Government was not that whose conduct was being inquired into. But hon. Gentlemen opposite would be pleased to recollect that there were at least eight Members of the present Cabinet who were Members of the late Cabinet; so that there were no less than eight Members of the present Cabinet whose conduct was involved in the report which would issue from the Committee sitting up stairs. Now, although the House had seen of late a rather glaring instance of a Member of a Government deserting his colleagues, in the case of the hon. Gentleman opposite (Mr. B. Osborne), still it was scarcely to be expected that a Member of the Government would be the most impartial person to select as a Member of the Committee. It was quite certain, at all events, that the country would not be satisfied with a report of such a Committee. Now, in order to avoid the appearance of having acted from mere party motives—an insinuation often thrown out against those sitting on the opposition side of the House by the Gentleman opposite, as well as to supply an element greatly deficient in the composition of the present Committee, he proposed the name of the hon. Member for Bath (Captain Scobell) to fill the place of the hon. Member for Carlow, believing him to be a person that could greatly aid the labours of the Committee.

MR. F. HUME seconded the Motion.

MR. ROEBUCK fully concurred with the hon. Gentleman (Mr. Bentinck) as to the propriety of discharging the hon. Member for Carlow from the Committee; but he thought the hon. Member was going somewhat beyond his province in nominating the Member who should supply his place. It would be remembered that there was a distinct understanding that the nomination of a portion of the Committee should be left to the Government, and amongst those whom they selected was the hon. Member for Carlow; but the hon. Member having been appointed Under Secretary for the Colonies, he had become incompetent to discharge his duties as a Member of the Committee. As he began the Committee, so he should continue to support it; and since, by arrangement, it was left to the Government to nominate a portion of the Committee, and one of the Members whom they selected was the hon. Member now proposed to be discharged, he thought, in all fairness, they ought to have the power of naming his successor. But it was said the naval element was wanting in the Committee;

he did not think it was; but the Committee had, amongst other matters, to inquire into the clothing of the army, and therefore he thought a tailor might have been proposed just as well as a sailor—[Oh, oh!]. Hon. Members might cry "oh, oh!" but he wanted to know, if the argument was good in the one case, why should it not be equally good in the other? He wanted to know why it should be necessary to have a sailor on a Committee appointed to inquire into the state of the army before Sebastopol? However, he understood that the Government intended to propose that the hon. Member for the county of Limerick (Mr. De Vere) should supply the place of the hon. Member for Carlow; and, in accordance with the arrangement to which he had already referred, he thought the matter ought to be left in their hands.

MR. LIDDELL asked upon what ground the Government could claim the right of appointing a Member of this Committee? Who first called for the inquiry? Why, the people; and Parliament, responding to the appeal of the country, consented to the appointment of this Committee to investigate the conduct of those whose mismanagement had destroyed one of the noblest armies that had ever left our shores; and that House, as representing the people, ought to appoint the Members of the Committee and not the Government. And yet they were told that by arrangement the Government had the right to appoint a portion of the Committee. He protested against such an extraordinary doctrine as that laid down by the hon. and learned Member for Sheffield (Mr. Roebuck), and thought the House would best discharge its duty by disregarding the arrangement, if there was any, and filling up the vacancy themselves.

MR. ROEBUCK explained that the existing Committee was appointed upon an understanding with himself, and the right hon. Gentleman the Member for Buckinghamshire, which understanding gave the Government the right to nominate a portion of the Committee, and all that he now said was, that that understanding should be adhered to, and that one of the Members appointed by the Government having been withdrawn, they should propose another in his place.

VISCOUNT PALMERSTON said, it was the uniform practice of the House, when a Committee was to be appointed to investigate matters of such deep and great importance as those which had been submitted to this Committee, that the Members to serve should be selected by the Mover of the Committee in communication with the Government of the day—not that the Government were always to appoint the persons to serve on the Committee; but it was only right and proper, when matters were to be investigated, in which the conduct of the Government was concerned, that only such persons should be appointed, who, by their impartiality, by their competence, by their ability, were the best qualified to perform the duties and execute the task confided to them. It was in that sense, and in that sense only, that according to the established practice of the House the Government and the hon. and learned Member for Sheffield agreed in communication with each other upon the persons who should form the Committee. Those who had watched the proceedings and conduct of the Committee would agree with him that the choice was well made, and that only those Members had been selected who were the best fitted to be entrusted with the difficult and delicate investigation which had been confided to them. From the moment, however, that the hon. Member for Carlow accepted the office of Under Secretary for the Colonies, it was quite impossible that he could continue to be a Member of the Committee. His official occupations would have interfered with his attendance on the Committee; but it was not so much that as his belonging to the Government that disqualified him from continuing a Member of the Committee. Then came the question who should succeed him? Now, his hon. Friend the Member for Carlow was the only Irish Member on the Committee, while he thought it was understood when the Committee was appointed, that it was only right and proper that there should be at least one Irish Member on it. Therefore he should propose that the hon. Member for the county of Limerick should be appointed in the stead of Mr. Ball, and that being the choice of the Government—a choice which the hon. and learned Chairman of the Committee did not object to—he should have no alternative but to oppose the appointment of Mr. Scobell, with the view of nominating Mr. De Vere on Monday.

MR. FRENCH said, the inquiry was one which had been demanded by the nation, and accorded by the House of Commons; and it was the duty of the House to see that the inquiry was an impartial one. Now that could not be if the Members were to be left to the selection of the Government, or if the House refused to place a Member of the naval profession on the Committee, which, he believed, had become absolutely necessary.

Mr. JOHN BALL discharged from further attendance on the Committee.

MR. BENTINCK then rose to propose that Captain Scobell should be placed upon the Committee in the room of Mr. Ball. He had no doubt that the arrangement declared to have been made between the Government, the right hon. Gentleman the Member for Buckinghamshire, and the hon. and learned Gentleman (Mr. Roebuck), was very satisfactory to the parties concerned; but he, for one, was not inclined to concur in that arrangement. The rule that the Government and the mover of the Committee should come to an understanding in a case like the present, and that the appointment should rest with them, might be a very good rule under ordinary circumstances, but could not be accepted now. It was a monstrous proposition to assert that the Government were to have the nomination of half a Committee, when that Committee was called upon to inquire into their conduct and character. He had no wish to say anything disrespectful of the hon. Member for Limerick (Mr. De Vere), but that Gentleman had only been a Member of that House for three or four months, and he would ask whether a gentleman who had had such short Parliamentary experience was fit to be placed on the Committee in the middle of its deliberations? The country was looking with intense interest for the Report of this Committee—the characters of many public men depended upon it; and nothing could be more absurd than that they should choose as one of the Committee an hon. Member who had not had the advantage of more than two or three months' Parliamentary experience.

MR. DRUMMOND said, it was at all times exceedingly difficult to select competent persons to serve on Committees. The House complained, and justly too, of the enormous lengths to which the Reports of Select Committees ran; but that arose in a great measure from the circumstance of appointing Members who were unable to give their full attendance upon the Committee, or who did not understand the question to be inquired into, and, therefore, in order to make themselves masters of the subject, they asked all sorts of questions, until there was no end to the printed evidence. Now under these circumstances, he and his hon. and learned Friend (Mr. Roebuck) consulted with the various heads of as many parties as had heads, as to the persons who might be agreeable to them, or who were in their opinion the best qualified to serve on the Committee. In that way it was arranged that a certain number should be nominated by the right hon. Gentleman opposite (Mr. Disraeli), and the same thing was done with regard to the Government. Now the Gentleman who had just been superseded was one of those nominated by the Government, and the House was, in his opinion, bound by the original agreement to support the Government in their nomination of his successor.

ADMIRAL WALCOTT: Sir, I having on a previous occasion expressed how firmly I held the opinion that a naval officer ought to have been included among the Members of the Committee, that inquiry embracing the conduct and administration of the Transport Service, and the condition of Balaklava harbour, I had not been induced to have addressed you, Sir, at this time, were it not from the hon. and learned Gentleman (Mr. Roebuck) having expressed his opinion that a tailor would be of as much use as a sailor in the Committee. Now the fact is, did the House possess such a Member? A tailor would render good service in the Committee, seeing that so much turned upon the arrangement for clothing the troops, and the mismanagement in that department. For my part, I cannot but repeat how deeply I regret that no Member of the naval profession was placed upon that Committee, for none but a seaman is capable of eliciting such information and such answers as ought to satisfy the Members whether there was any foundation for the charges made against the naval authorities on the very difficult and complicated subject of the Transport Service and the management of Balaklava harbour; and the inevitable consequence of naming a Committee of hon. Members without a naval officer has, I know, produced much dissatisfaction in the country. I, in common with hon. Members, only desire a fair inquiry and no favour, such as may enable us to avoid fresh disasters and mismanagement of affairs. An able naval officer ought to have been at every port whence transports were laden and sailed, to regulate their departure and superintend the cargoes placed on board them, with correct invoices furnished to the several departments. As I trust the committee will soon bring their labours to a close, it might be too small advantage at the present time in Captain Scobell being placed upon it. I think, however, it was a disrespectful and most unbecoming observation of the hon. and learned Gentleman to say they might as well put a tailor as a sailor on the Committee. I mean no disrespect to tailors, but I do not consider it other than a coarse expression to compare a tailor with a naval officer. [Mr. Roebuck understood the gallant admiral to say, that if there were a tailor in the House, he ought to be put on the Committee.] I said no such thing —I said if the House possessed a tailor as an hon. Member, a tailor would be very useful, as the inquiry turned so much upon the clothing of the army; and I said this only in reference to the observation which fell from the hon. and learned Member.

Mr. ROEBUCK submitted that he had correctly represented what the gallant admiral had said. The gallant admiral seemed to have confounded the province of a witness with the province of a judge. Any one of common sense could judge of the matters which the Committee were investigating, and no hon. Member had forborne to give his opinion because he was not a sailor. One official had arrived, and he was given to understand the gentleman who was in command at Balaklava was on his way to this country. The Committee had examined some witnesses as to the conduct of persons in Balaklava harbour, and they would examine those gentlemen also. He wanted to know why they were to be called upon to appoint a gentleman on the nomination of hon. Gentlemen opposite? He could only repeat that the Committee was formed upon an understanding. ["No!" and "Hear!"] Could there be any man in that House who did not know that propositions of that sort were always made upon an understanding? Without an understanding he could not have carried the Committee, or any Member of it. He went behind the Speaker's chair, and entered into correspondence with gentlemen on both sides of the House with the view to form a Committee which would give satisfaction to the country. It would be seen by and by whether they had performed their duties to the satisfaction of the House and of the country. It seemed to him that the understanding with which they had entered on the constitution of the Committee was that the Government should have the nomination of a certain part of the Committee. A Member having withdrawn whom the Government had nominated, he thought the Government had the right to nominate to the vacancy which had been created.

Mr. JOHN MACGREGOR denied that it was right, though it might be the practice, to enter into a sort of cabal with the Minister as to the members to be nominated on a Committee. He also denied that any man of common sense would be a fit person to be nominated. A good ploughman might have common sense, but he was not therefore a good judge of the circumstances attending the loss of the *Prince*. Could they tell him that any man of common sense could sit on the woolsack where the Lord Chancellor sat? He must have received a legal education. Education was of all qualities the most essential in the selection of a judge. He thought it most invidious to object to his gallant Friend (Captain Scobell), in whom a large constituency put their trust, and he trusted the House would not be led away by the sophistry of the hon. and learned Member for Sheffield.

Captain SCOBELL hoped the House would give themselves no great trouble about his feelings or his desires, for he had no great feeling or desire to be upon the Sebastopol Committee. It should be remembered that no vacancy was declared by the Government until this Motion was made. The hon. Member for Norfolk (Mr. Bentinck) said to him, he thought the Under Secretary for the Colonies ought to vacate his seat; and would he allow his name to be proposed, as it would not do to propose any Member from the Opposition side, the Member withdrawing having sat on the Government side of the House? He concurred in thinking that the hon. Member for Carlow was disqualified from acting on the Committee by accepting office, and consented to the proposal of his name. He thought the joke about the tailor and the sailor unworthy of the quarter from which it came. He expected to have found more solidity in the learned Gentleman than was consistent with cracking jokes, because the two words, with the exception of a letter, were identical. But, since sailors were disparaged, he would observe that he had been a magistrate for thirty years, and as much in the habit of conducting examinations as the hon. and learned Gentleman himself. He believed he was as capable as most men of putting ordinary questions, and he supposed conjuring questions were not required. The hon. and learned Gentleman was a comparatively young man when he (Captain Scobell) first became a landsman; for such was the system, that when once a man got on shore he was never allowed to go to sea again while men of greater influence were to be found, and the worst of it was that if a man had once been to sea it seemed to be thought he was fit for nothing else. The First Lord of the Treasury said they wanted men of impartiality. The noble Lord dared not, and could not impeach his impartiality, though, perhaps, he was a little more independent than was agreeable to the Government. With respect to ability he was not a judge, and he must, therefore, leave the noble Lord to form his own opinion whether he was fit or unfit. The hon. Member for Surrey spoke of the thousands of questions that had been put—he did not know how many thousands he said — [Mr. DRUMMOND: 14,000]—but the hon. Gentleman implied that because he had been to sea he would ask more questions than any other person, since, as the hon. Member confessed he did not not know the person even of the other hon. Member whose name was proposed, he could not know that few questions would be put if he were appointed. He was just in the same position as the hon. Member for Surrey. He did not know even the person of the hon. Member whose name was proposed, but if the House thought his name preferable it would cause him no disappointment. He thought it his duty to reply to some personal observations which had been made, and from which he gathered that he was not estimated so highly as other Members on that side of the House. The reasons which had been given were all hollow, and might be summed up in this, that the Government and the Gentlemen whom the hon. and learned Member for Sheffield had consulted had made a kind of bargain, which would be broken if he were placed upon the Committee. The noble Lord said it was necessary to appoint a person of impartiality, as if he did not possess that quality. He had now been for some years a Member of that House, and while always endeavouring to act impartially, he had not shut his eyes to the faults of the Government.

VISCOUNT PALMERSTON said, he should be extremely sorry if the hon. and gallant Member were to leave the House under the impression that anything which he (Viscount Palmerston) had stated, was meant in the slightest degree to impugn his impartiality, ability, and least of all, that upon which the hon. Gentleman very properly prided himself—his independence. He could assure his hon. and gallant Friend that what he had stated had no reference to his hon. Friend personally, but referred entirely to the question of the manner in which understandings took place with regard to the appointment of Committees. What he had intended to say was, that an understanding between the mover of a Committee and other persons in the House was absolutely necessary, in order to secure the services of hon. Members competent, by their impartiality, ability, and other qualifications, to discharge the duties intrusted to them. That observation applied to the general question, and not in the least to his hon. and gallant Friend, who, in point, of impartiality and ability, was, undoubtedly, as fit to serve upon the Committee as any other Member of that House. The grounds upon which he had thought the hon. Member for Limerick (Mr. de Vere) a more fit person to be chosen upon the Committee than his hon. and gallant Friend were, that, inasmuch as the vacancy had arisen in consequence of the withdrawal of an Irish Member, and as there was no other Irish Member upon the Committee, there ought to be upon it at least one Irish Member, considering how deeply Irishmen and Irish matters were interested in the inquiry. It was solely upon that ground that he had objected to the proposal of the hon. Member opposite; and he hoped if his hon. and gallant Friend left the House, he would carry with him the conviction that nothing had been further from his (Viscount Palmerston's) intention than to state anything in the least disparaging of the independence and ability of his hon. and gallant Friend.

MR. MUNTZ complained that the House of Commons was becoming every day more and more a cipher. He felt in great difficulty upon this subject. He had not the honour of knowing the hon. Gentleman whose name was proposed to be added to the Committee, even by sight, and in voting for a member of the Committee he should like to know whom he was voting for. He certainly could not make up his mind to stultify himself by voting for a member on the nomination of the Government, simply because the Government had lost a member of the Committee. He entertained great respect for many Members of Her Majesty's Government, but he could not place the highest confidence in them as a whole.

MR. MAGUIRE said, the noble Lord at the head of the Government had appealed to the Irish Members to vote against the Motion of the hon. Member for Norfolk (Mr. Bentinck), but he thought the hon. Gentleman deserved the greatest credit for the manner in which he had brought his proposal forward. The noble Lord said, it was desirable to have one Irish Member on the Committee; but, if that were desirable, why had not more than one Irish Member been placed upon it? The conduct of many of the men who sat upon the Ministerial bench was involved in the inquiry, and it would be unfair to the country to allow the Government, by the connivance of any party in that House, to pack the Committee in their own favour. He acknowledged the abilities of the hon. Member for Limerick; but he must say at once, that he thought the hon. and gallant Member for Bath a more fit person to appoint upon the Committee. With regard to the remarks which had fallen from the hon. Member for West Surrey (Mr. Drummond), the hon. Gentleman had merely acted upon this occasion as he had upon many others, namely, made a speech upon one side of the question, and ended by voting on the other. It appeared from the observations of the hon. and learned Member for Sheffield that a most important witness—a gentleman who had charge of Balaklava harbour—was about to be examined, and it was, therefore, highly desirable to have a naval officer upon the Committee. The hon. and learned Member for Sheffield asked if the public were not satisfied with the Committee. He would give the hon. Gentleman an honest answer. He fully believed in the uprightness of the hon. Gentlemen, but he must say the tone and whole object of the Committee seemed to be to deal with the inquiry rather delicately. There was a vast amount of mealy-mouthedness exhibited in that House, and a great deal of delicacy upstairs. In his opinion there was one man whose conduct ought particularly to be inquired into, and it was highly requisite that the Committee should ascertain the reason of the lethargy which had characterised the conduct of that man for months, while the noblest army ever sent into the field was withering away. The person he referred to was Lord Raglan; and he wished to ask where had been the inquiry into his conduct? The Committee had elicited a great amount of useful information, but only to confirm what *The Times* had already told the country, and what had been sneered at and denied from time to time by the Government. The country desired to know why Lord Raglan was sleeping while his army was rotting away; and the only way to obtain that information was by putting independent men upon the Committee, determined to probe the subject to the bottom.

MR. BENTINCK, in reply, expressed his surprise at the persistence of the hon. and learned Member for Sheffield in the extraordinary argument he had adopted. The hon. Gentleman told them that the Committee was formed upon an understanding between the Government and certain other persons; but he (Mr. Bentinck) contended that that was not the principle on which the Committee ought to be formed, and was a total misconception of the manner in which Committees were nominated in that House. The process of appointing a Committee was for the mover of a Committee, after having obtained the sanction of the House to his proposal, to submit to the House a certain number of names; but this was the first time he had ever heard the doctrine broached that the Government ought to be consulted as to the composition of a Committee. Such a doctrine would be highly objectionable, especially where the character of the Government was involved. As an independent Member his conduct was not called in question in the investigation, whereas the conduct of at least half of the Members of the Cabinet was impugned, and he, therefore, submitted that as an independent Member he was more entitled to suggest who should compose the Committee than the Government.

Motion made, and Question put, "That Captain SCOBELL be added to the Committee."

The House *divided;* Ayes 68, Noes 81: Majority 13.

The House adjourned at Eleven o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, April 23, 1855.

MINUTES.] PUBLIC BILLS.—2^a Bedford Charity Estate.
Reported—Convention with Sardinia.

Their Lordships met; and after going through the business on the Paper, House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, April 23, 1855.

MINUTES.] NEW MEMBER SWORN.—For Cavan, Robert Burrowes, esq.
PUBLIC BILLS.—1° Loan; Stamp Duties (Drafts on Bankers); Income Tax; Spirit (Scotland and Ireland).

CLOTHING OF THE GUARDS—QUESTION.

CAPTAIN **STUART** said, he begged to ask the hon. Under Secretary for War whether the last detachment of Guards, 1,000 strong, left London on the 12th April with the clothes of 1854, the new clothing due on the 1st April, 1855, not having been issued; whether the allowance made to the men for wearing their own clothes will be borne by the contractors or by the Government, from the 1st April to the date of issuing the new clothing of 1855; and whether any steps have been taken to provide the Guards with clothing suitable to the Crimean summer, the issue of white trousers having been lately discontinued?

MR. **FREDERICK PEEL** said, he thought the question of the hon. and gallant Gentleman had been put from the want of information as to the regulations that were observed by the Guards with respect to the wearing of their clothing. In the case of regiments of the line, when an issue of clothing was made, the clothing of the preceding year was discontinued, but, in the case of the Guards, it was usual for them to have two suits of clothing in use, the suit last issued being reserved for Sundays, parades, and reviews, while clothing issued to them for the preceding year was worn on all ordinary occasions. The detachment referred to consequently had in wear, at the time of their departure, the clothing issued for 1854, and it would be against the regulations if they were to take into use, on leaving London, the new clothing of the present year issued on the 1st of April last. No allowance, therefore, would be due to them; and, with regard to the last portion of the question, although it was true that white trousers had been discontinued, light clothing of another fashion would be substituted, and would be sent from this country as soon as it was ready. In the meantime, he might say that a supply of light clothing for the army generally in the Crimea had been provided at Constantinople. He would take that opportunity of answering a question which had been put to him the other night by a noble Lord opposite. He had been asked whether a detachment of the 50th Regiment had not been landed from the Alma, while the baggage of the detachment was taken on to the Crimea. He had then stated that he had received no report on the subject, but he thought it was extremely unlikely that such a circumstance should have taken place. Since that time he had been put in possession of a report from the commanding officer of that detachment, and he found that the whole of the regimental baggage and camp equipage was duly landed. One officer, however, had left behind him a portmanteau, and another officer had left behind him a camp bed, and for that the Government were not responsible. With those exceptions the statement was entirely without foundation.

COLONEL **LINDSAY** said, that perhaps the House would allow him to explain that the new clothing of the Guards was not sent out, but the clothing they had taken out had only been worn one quarter of a year, and was as good if not better than that now in wear by the army in the Crimea. The new clothing would be sent out in the course of the summer, and would be taken into wear when most wanting, namely, during the next winter.

NATIONAL GALLERY—QUESTION.

LORD **WILLIAM GRAHAM** said, he begged to ask the First Lord of the Treasury whether Sir Charles Eastlake has been appointed director of the National Gallery, and Mr. Wornum secretary; and whether Sir Charles Eastlake has been appointed for five years, or for life?

VISCOUNT **PALMERSTON**: No appointments have as yet taken place with respect to any of the offices to which the noble Lord has referred. The whole arrangement is still under consideration.

SUPPLY OF GUANO—VENEZUELA—QUESTION.

MR. HORSFALL said, he begged to ask the First Lord of the Treasury whether Her Majesty's Government was aware of the fact of the Venezuelan Government, or persons in the name of that Government, having taken possession of the Island of Aves, which was surveyed by the British Government in 1849; and if so, whether it is intended to take any measures for the recovery of the island, and for the preservation to this country of the supply of guano which abounds there?

VISCOUNT PALMERSTON said, that in the year 1849 some officers in the British service examined the island in question, and had reason to think that there was a supply of guano upon it, but it was doubtful. In December last, Her Majesty's Government was informed that some Americans had ascertained that there was guano on the island, and that some arrangement had been entered into between these American adventurers and the Government of Venezuela, granting and securing to that American undertaking the exclusive right to take guano for a certain number of years. A question arose as to whether this island could be claimed by Great Britain, as having been an unoccupied island, and whether England, by right of first occupation, could claim sovereignty over it. On consulting the Law Officers of the Crown, it appeared from the statement of facts that Great Britain could not properly assert any claim of sovereignty over that island; but as soon as that was ascertained, instructions were sent to the British consul at Caraccas to require from the Government of Venezuela that British subjects should have the same privileges and facilities for obtaining guano from that island as should be afforded to the subjects of any other country.

CIVIL HOSPITAL AT SMYRNA—QUESTION.

MR. SIDNEY HERBERT said, he begged to ask a question of the hon. Gentleman the Under Secretary for the War Department, but before doing so it was necessary that he should say a few words in explanation. When the civil hospital was established at Smyrna, great doubts were expressed as to the salubrity of the climate. At that time, however, there was a great pressure for room, and a barrack was offered to the Government by the Turkish Government for hospital purposes. Arrangements were made that that barrack should be immediately taken possession of, but that hospitals constructed of wood should be sent out, so as to enable the whole of the establishment, before the hot weather set in, to be removed to some other more salubrious locality. He understood that at that hospital, owing to the prevalence of fever, and to the necesity of giving one thousand cubic feet to each patient, it was necessary to reduce the number of patients from 800—the number the hospital was supposed to be capable of containing—to 480. That being the case, it appeared that they had an expensive staff of civil surgeons, with a much smaller number of patients under their care than was intended. He, therefore, begged to ask whether or not wooden hospitals had been sent out, or, if not, whether they were about to be sent out; and if not, whether the intention had been changed with regard to removing the hospital from Smyrna to some other locality supposed to be more salubrious when the hot weather set in.

MR. FREDERICK PEEL said, he had seen a letter from Dr. Meyer, the head of the civil hospital at Smyrna, written on the 14th of this month, in which he stated that he had reduced the number of patients accommodated in the hospital buildings to 480 or 490. He added that the medical staff under him was capable of treating double that number of sick, and he therefore submitted that the Government should increase the number of sick to 1,000 or 1,200, and that that should be done, not by disusing the hospital building, but by erecting wooden huts in an open space adjoining the building. He (Mr. Peel) could not find that any huts had been sent out from this country for erection at Smyrna; some were on their way to be erected near Constantinople, but, with the application from Dr. Meyer before them, he thought a number of huts should be sent out, so as to enable him to increase the number of patients to the amount specified, namely, 1,000 or 1,200. So far as Dr. Meyer's report went, the hospital appeared to have been progressing very favourably, and in a private letter, received that day, he stated that the average statistical results were quite as good as in any other hospital in the East.

MR. LAYARD said, he desired to know whether accounts had been received that fever had already broken out in the lower wards of the hospital at Smyrna, and that all the patients had been removed from those wards?

Mr. FREDERICK PEEL said, he must beg to state in reply, that Dr. Meyer had removed all the patients from the ground floor of the hospital, and moved them to the first or second floor. Perhaps the question would be best answered by reading an extract from the letter of Dr. Meyer, dated the 7th of April. In that letter he made the following statement:—

> "The general state of those in hospital is improving daily. The number of fever cases is diminishing, also the number of deaths, there having been only two last week. The orderlies have hitherto been sleeping in the sick wards, and many have in consequence been attacked with fever; they are now being moved into rooms appropriated to the attendants on the ground floor, so that I confidently expect that this evil will be diminished. I have no misgivings with regard to the climate; if not over-crowded, the sick would do well here."

ASSISTANT-SURGEONS FOR THE BALTIC FLEET—QUESTION.

Sir GEORGE TYLER said, he had seen in *The Times* of that morning a statement with respect to the appointment of surgeons and assistant-surgeons to the fleet now in the Baltic which appeared to be contrary to that which the hon. and gallant Gentleman opposite (Admiral Berkeley) had made the other night, and to impugn the veracity of the hon. and gallant Admiral's statement. He (Sir G. Tyler) wished, therefore, to give an opportunity to the hon. and gallant Admiral of making a reply, and setting himself right with the House and the country.

Admiral BERKELEY said, the House would perhaps allow him to explain what it was he had stated in answer to the hon. and gallant Member for Chippenham (Colonel Boldero) who first brought the subject forward. The hon. and gallant Gentleman, having remarked that last year there were a great number of vacancies in the medical department of the fleets sent to the Baltic and Black Sea, he (Admiral Berkeley) had thought it his duty to contradict that statement. He accordingly stated that there was a proper allowance of medical men in both of those fleets, and that he had never heard any complaint upon the subject before. An anonymous letter in *The Times* endeavoured to fix him with having stated that there were no vacancies at present. That, however, was a mere anonymous assertion, and whenever such an assertion was made in the proper place in that House he would endeavour to reply to it. Throughout his private and public life he had endeavoured to treat all anonymous correspondence with the contempt due to cowardice, and he should always continue to act in the same manner.

THE NEGOTIATIONS AT VIENNA.—QUESTION.

Mr. BRIGHT: Sir, the importance of the question which I am about to put to the noble Lord at the head of Her Majesty's Government will be a sufficient apology for my putting it without having given previous notice. I wish to know whether the House can be informed or is to understand that the noble Lord the Member for the City of London has left Vienna, and if the conferences and negotiations are considered by the Government to be at an end? If that be so, I wish also to ask whether the noble Lord can inform the House on what day he will make a specific statement, or afford to the House documentary information, whereby we may be enabled to ascertain precisely what is the difference between the terms offered by the allies, and any terms that may have been offered as counter propositions by the Russian Government, in order that the House and the country may precisely understand, if the war is to be prolonged, what is to be the object of the war in future? As I have not been enabled to find persons agreeing as to why the war began at all, I am the more anxious that we should know exactly how we stand, apart from the obscurity of diplomatic language, and I therefore beg to inquire of the noble Lord if he can give the House, at an early period, the specific information for which I ask?

Viscount PALMERSTON: Sir, the subject referred to by the hon. Gentleman is of too great and deep importance for me to shrink from some explanation even at the present moment, though, as to what may be the time at which Her Majesty's Government may think fit to give more detailed information, or to lay any papers upon the table, I am not now in a position to state. It is well known to the House that the English and French Governments in concert with the Government of Austria, had determined that the proper development of the third point, which regarded the treaties of 1840 and 1841, with respect to the Straits of the Dardanelles and the Bosphorus, should be, among other things, that the preponderance of Russia in the

Black Sea should henceforth be made to cease. That was the principle laid down by England and France, and agreed to by Austria, and it was in the abstract accepted by the Russian Plenipotentiary. On Thursday last, at the conference held on that day, at which were present the English, French, Austrian, Turkish, and Russian Plenipotentiaries; the Plenipotentiaries of England, France, Austria, and Turkey proposed to the representative of Russia, as a mode of making the preponderance of Russia cease in the Black Sea—which, in principle, had been admitted and accepted by Russia—either that the amount of the Russian naval force in the Black Sea should henceforth be limited by treaty, or that the Black Sea should be declared entirely neutral ground and all ships of war of all countries be excluded from it, so that henceforth it should be a sea for commerce only. The Russian Plenipotentiary required forty-eight hours to take that proposal into consideration. Those forty-eight hours elapsed on Saturday, and on Saturday another conference was held, at which the Russian Plenipotentiary absolutely refused to accept either of the alternatives proposed, those alternatives being pressed by the four other Plenipotentiaries unanimously. Thereupon the conference adjourned *sine die,* and my noble Friend the Member for the City of London, and the French Minister, M. Drouyn de Lhuys, were, I believe, to take their departure from Vienna in the course of the present day.

SIR HENRY WILLOUGHBY said, the noble Lord had not answered the question of the hon. Member for Manchester (Mr. Bright), with respect to any counter propositions which might have been made by Russia.

VISCOUNT PALMERSTON: I have to state that Russia made no counter proposition.

WAYS AND MEANS.

THE CHANCELLOR OF THE EXCHEQUER brought up the Report of the Resolutions agreed to in Committee of Ways and Means.

On the First Resolution being put,

MR. GOULBURN said, he hoped as he had been unable to attend on the evening when the Budget was brought forward, that the House would excuse him for now offering some observations on the course taken by his right hon. Friend the Chancellor of the Exchequer with reference to the raising of a loan. It was not his intention to offer any opposition to the confirmation of the contract into which the right hon. Gentleman had entered. Abstractedly considered, the loan appeared to have been contracted on terms fair to the contractors, and not unfair to the country; but as he thought the House must be prepared to anticipate that in future years they might be called upon for a repetition of the process of raising money by loan, he was anxious to point out the objections to which the present arrangement was liable in order to prevent the inconvenience which would result from the continued adoption of the same system. If he could believe, with his right hon. Friend the Chancellor of the Exchequer, that the Parliament, on the arrival of peace, would be prepared to apply a surplus of 1,000,000*l.* annually to the redemption of the debt now to be incurred, and to apply the same principle to every future loan, then he should have no objection to make to the measure, but as he did not believe this, he could hardly persuade himself that when his right hon. Friend came to consider what experience had pointed out as the reasonable objections to the course proposed, he would still be disposed to persevere in it. He must say that he doubted the justice of the Resolution, against which applied with still greater force the objection usually brought against loans, that they threw the whole burden upon posterity, whilst the parties borrowing derived nothing but the advantage. But if they threw the entire burden, not merely of the increase of the debt caused by the loan, but of the redemption at the rate of 7 per cent upon posterity, they enhanced the objection heretofore raised to the system of loans. But let them consider whether it was in the least degree probable that on the arrival of peace Parliament would be prepared to fulfil the engagement into which they were called upon to enter, to raise above what was required to defray the annual expenditure, an additional revenue of 1,000,000*l.* annually for sixteen years for the purpose of repaying the capital borrowed. He would ask hon. Gentlemen whether it was probable, from the experience of past years, that such a plan would succeed. When he first sat in Parliament many hon. Members, thoroughly acquainted with financial matters, advocated the establishment of a sinking fund, and the House adopted a solemn Resolution by which they declared that 5,000,000*l.* a year should without fail be set apart for the redemption of the debt. Now, did Parliament adhere to that Resolution? Quite the contrary. Two years afterwards their confidence failed them, and the House declared that 3,000,000*l.* a year should be set apart for that purpose; but they observed that Resolution with just as much punctuality as they had done the first. In the end, the only mode adopted of reducing the funded debt was by comparing quarterly the amount of revenue with that of expenditure, and applying any surplus to its redemption. As the custom had been to apply this to the payment of deficiency bills, the surplus which was intended for the reduction of debt had been generally used to eke out the revenue of a deficient quarter. How, in the face of this, could the Chancellor of the Exchequer hope that on the restoration of peace Parliament would raise an additional revenue for the purpose of paying off debt at the rate of one million for every sixteen used for carrying on this war? He therefore hoped his right hon. Friend would abandon the Resolution by which he proposed to lay on this increased burden for the repayment of the debt for that Resolution as it stood could not deceive any persons who were conversant with the financial system of the country. As the loan was in Three per Cent Consols, he was bound to take it as an irredeemable annuity to the amount of somewhere about 500,000*l.* a year, and it was as an irredeemable annuity that he objected to it. They were about to impose on the country for ever the charge of 500,000*l.*; and if succeeding loans were contracted on the same principle, a burden would be imposed on the country from which there was no hope of relief. It was perfectly true that, technically speaking, the Three per Cent Consols were redeemable; but twelve months' notice was required before any alteration could take place; and he would ask any man conversant with financial affairs where he could find a Chancellor of the Exchequer bold enough, in the circumstances in which the country might find itself placed, to give twelve months' notice that at the end of that period he would be prepared to deal with that large amount which the Three per Cents offered to the operator. He contended, therefore, that the funds must be regarded as practically irredeemable annuities. It was the first duty of the Minister entrusted with the management of the finances to apply himself, as far as possible, to the reduction of the burden which the national debt imposed on the country. He could only do this in one of two modes—by applying a special revenue for the reduction of the capital of the debt, or by availing himself of those reductions of interest which might take place from time to time in the general market, and thus relieve the public of part of the charge of the debt. Exactly in proportion to the difficulty of the operation was the duty incumbent on us to take care that we did not throw away a favourable opportunity of reducing the interest of the debt, and it was in that respect, he thought, his right hon. Friend had erred. He knew he might be told that Mr. Pitt, who was acknowledged by all to be a great master of finance, raised his loan by offers of Three per Cent Consolidated Annuities, but the circumstances under which Mr. Pitt acted were totally different from those which existed at the present time. Mr. Pitt had no other fund open to him of sufficient amount to enable him to borrow on it with advantage. The whole amount of Consols at the commencement of the last war did not exceed 100,000,000. But the present Chancellor of the Exchequer had far larger funds open to him in other Stock, and he believed his right hon. Friend the Chancellor of the Exchequer would have acted a much wiser and safer part if he had made an offer of this new loan in the Three per Cent Annuities, which represented a capital of 250,000,000, and were capable of redemption in the year 1874, rather than in the Three per Cent Consols, which, as he had already shown, were in fact irredeemable. The consideration was one of vital importance to the future interest of the country. He maintained that we ought to purchase the power of redemption in twenty years by some sacrifice of immediate interest, rather than entail on ourselves and on posterity the burden of a perpetual charge. The theory of the plan of raising money by annuities, was that at the expiration of a certain period the whole sum they had borrowed would be discharged, and to secure that advantage the borrower consented to pay a considerable additional interest above the market rate. If, therefore, for the sake of the extinction of the debt at a distant period, they were willing to raise the terms to be given to the loan contractor, he maintained that it would be good policy to raise the terms to a limited amount, in order to the reduction of interest on the debt when the market rate fell. When he spoke of the reduction of interest, he might be told that he was indulging in a premature speculation; but with his knowledge of the industry and energy of the people of this country, with the great facilities of enterprise possessed by the inhabitants in time of peace, and the great accumulation of capital that was continually taking place, he could not conceal his conviction that if they should be blessed with a long return of peace, the interest of money would be at a far lower rate than it stood at the present moment. He trusted, therefore, that they would take care not to divest themselves of the possibility of effecting a reduction of interest, of which they had already experienced the benefit. In making these observations he did not forget the difficulties of the Chancellor of the Exchequer's position, and he had been induced to make them chiefly for the purpose of pointing out what he considered would be the most advantageous course to follow in any future loan that might be contracted.

Mr. T. BARING said, he had heard with very great astonishment the objection which had been taken by the right hon. Gentleman who had just resumed his seat, to one part of the scheme of the Chancellor of the Exchequer. If there was one Member in that House on whom he thought he could have relied more than on another for the maintenance of the principle of repaying what we had borrowed, that Member would have been the right hon. Gentleman who had just addressed the House. To his surprise, however, he found that the right hon. Gentleman opposed the clause for applying 1,000,000*l.* of the surplus revenue, after the peace, towards the extinction of this debt. He opposed the clause which said that, when we borrowed in a time of exigency, we should pay when we had the power to do so, which said we should borrow for the purposes of war, but that when peace came we should show our good faith by being careful to pay. He confessed he saw no good reason, because we had not hitherto adopted the system of repaying what we had borrowed, that the House should now refuse to pass a Resolution expressive of its honest intentions. It was no argument to him that, because they had before abolished surplus revenue applicable to their past debt, they should not now, in making another loan, assert the principle that in time of peace they should pay the debt incurred in war. It was nothing to him that because this House of Commons was honest, there might be another House of Commons that would not be equally so. The ground on which he supported this clause of the Chancellor of the Exchequer, which he hoped the right hon. Gentleman would not be induced to give up, was that he thought it important to lay down as a principle the rule that, while in times of emergency, of exigency, of war, and of trial, debt must necessarily be incurred, it became the first duty of Parliament and of the Government, when the means recurred of filling our coffers, to diminish that debt by the application of our surplus revenue. The right hon. Gentleman (Mr. Goulburn) asked the House to see how delusive past Resolutions had been on this subject. No doubt good intentions often were delusive, but he never knew it inculcated as a moral precept in consequence, that there never should be good intentions. The duty of the House was to say we should refrain from borrowing as long as we could, to lay no burden and impose no obligation on posterity if it were possible to avoid it; but that, when we must necessarily borrow, to do so with the honest intention of reducing the debt as soon as practicable. The right hon. Gentleman seemed to think there would be no possibility of carrying out this Resolution, that there would be such a pressure on the Government that any surplus which might exist would be extinguished; but, though precedent might be against him, he would still cling to the hope that we should find a Government strong enough and honest enough to resist the pressure that might be made for excessive reduction. It had always appeared to him that there was little wisdom in what had been termed an "ignorant impatience of taxation." It was necessary, if we wished to maintain public credit that we should maintain a surplus revenue; and it was equally necessary that, if we wished to be honest, to apply the surplus revenue obtainable in a time of peace and abundance to the extinction of debt incurred in periods of emergency. He would not enter upon the question whether we could have borrowed better in the Three per Cents Annuities, which are redeemable in 1874, but would only say, that the Minister of the day would in all probability have enough to do with the 250,000,000*l.* which would then stare him in the face, without encumbering him with greater difficulties.

He believed the plan of the Chancellor of the Exchequer to be just and honest, and, considering the time and the circumstances in which the arrangement was made, not only creditable in its terms, but likewise advantageous for the Government. His right hon. Friend the Chancellor of the Exchequer had gone on the principle that during thirty years the nation should pay 14*s.* 6*d.* for every 100*l.* of money borrowed. He must express his hope that the Chancellor of the Exchequer would persist in the clause for applying 1,000,000*l.* annually to the repayment of the loan, inasmuch as it would record the Resolution of the House to apply this amount out of the surplus revenue to that purpose after the restoration of peace. He did not know how far the constituencies were likely to be favourable to that addition to the taxation; but he hoped the scheme of his right hon. Friend might be carried out. He had been surprised to hear the hon. Member for Wick (Mr. Laing) the other night say that the right hon. Gentleman might with the greatest ease have obtained his money in terminable annuities. It was very well in theory or in the closet to say that it might have been so obtained easily. But in all contracts there were two sides, and you might no doubt find a seller with opinions that this would be the more just course, and the more advantageous for the country, but, on the other hand, you must find your buyer, and if you wanted the money you must offer a commodity that would be dealt in. He must confess his doubt that the right hon. Gentleman the Chancellor of the Exchequer would have been able to obtain it on those terms, except by making some great concessions and sacrifices, which would have been at once repudiated by the House and the country. The hon. Member for Wick also referred to the large sum of money borrowed for the French railways in annuities, for a term of ninety-nine years, but he forgot to say that it was not a question of fixed rental but of fluctuating profit in that case, and that the parties lending entered into a commercial speculation. It would be impossible that Government affairs of finance could be conducted in that way, and to parallel two ways of raising money for different objects, and with different terms and inducements, seemed to him a notion utterly preposterous. The hon. Member for Wick likewise recommended them to try the plan of subscription, as had been done in France; but in that country there was a large class of proprietors of small means, who, having before their eyes the dread of such revolutions and public calamities as they had witnessed in their own country, were anxious either to hoard their money or to lay it out only in what they thought a secure investment upon very favourable terms. The French, too, as a community, were a more saving people than the English. The people in the interior of France had, and still have, a great deal of money divided amongst the great mass of the people, either hoarded, or, at any rate, employed at a very low rate of interest. But the same thing did not exist in England. The owners of small sums of money were here not only more intelligent but also more enterprising; they generally invested their savings in something that would give them a good rate of interest. The French Three per Cent Loan was negotiated at 62; could the Chancellor of the Exchequer have offered the same inducement here? He could have, at the most, offered 3½ per cent, and did the House think that persons holding small sums would have diverted them from existing investments and subscribed them to a loan at 3½ per cent? He did not believe that the Chancellor of the Exchequer could have raised his loan either by terminable annuities or an open subscription; but by inserting the clause they were then discussing, he had done what he could do in order to comply with what he felt to be the true policy of this country—that we should continue a surplus income in time of prosperity in order that we might apply it to the diminution of our debt.

MR. GLADSTONE said, he concurred in two important points to which the hon. Member for Huntingdon (Mr. T. Baring) had just adverted. He was firmly convinced that it would not be possible for the Chancellor of the Exchequer to contract for so large a sum of money as he required upon the terms of terminable annuities except at prices wholly extravagant and disproportionate. He thought, likewise, that he had done service to the cause of truth and to his right hon. Friend the Chancellor of the Exchequer in saying that which he hoped would tend to dissipate the delusive opinion which prevailed—namely, that it would be competent for the Chancellor of the Exchequer to adopt the mode of proceeding with respect to the loan which had been so wisely taken in France—an opinion which he thought could never be entertained by those who had made a careful estimate of the great difference which existed in the circumstances of the two countries. But he (Mr. Gladstone) considered that it was not just to his right hon. Friend the Member for the University of Cambridge (Mr. Goulburn) for the hon. Member for Huntingdon to comment as he had done upon the observations that had fallen from him. He was, however, glad to find that the hon. Member opposite and his right hon. Friend both concurred in holding the opinion, that it was the duty of Parliament in times of peace to maintain a surplus revenue for the reduction of the national debt. He knew the opinion of his right hon. Friend, not only from his words, but from his deeds when he held the office of Chancellor of the Exchequer, for while he held that office it was a main object with him to create a large surplus revenue applicable to the reduction of debt from year to year. That, however, was not the point of difference between the hon. Gentleman (Mr. T. Baring) and his right hon. Friend (Mr. Goulburn). He did not believe that there was a man in that House more disposed to exercise his influence for the creation of a surplus revenue than his right hon. Friend. The question, however, was this, not whether they were to have a surplus revenue in time of peace, but whether this clause would really assist the Chancellor of the Exchequer in the attainment of his object. The right hon. Gentleman said that this proposition was but the assertion of a principle. Now, he (Mr. Gladstone) ventured to say on Friday night, what he would now repeat, that he respected the motive and object with which the right hon. Gentleman introduced his proposal. He was convinced that the object of the right hon. Gentleman was most honourable to himself, and that his desire was a large application of the revenue from year to year to the principle of reducing the debt. But would the right hon. Gentleman attain that object by means of a clause of this description? That was the question for discussion upon that occasion. What did the right hon. Gentleman mean when he said that this was but the assertion of a principle? He apprehended, when Parliament wanted to assert a principle, in the sense of a solemn expression of their conviction, the proper place for doing so was not in a clause but in the preamble of a Bill. That was the usage of the Legislature upon all occasions. But what was the use of Parliament enacting a clause for a purpose to which it was not in its power to give effect? This clause purported to be a contract or pledge. Now, there were two things requisite in respect to a contract or pledge. First, it should be given to somebody; secondly, it should be given by somebody who had a right to give it. But a future Parliament might very reasonably question the right of that Parliament to pledge it. But the clause not only asserted the principle that a certain surplus was to be applied by a future Parliament, but it actually specified the particular amount of money to be applied and the form of investment. Now, a future Parliament might naturally say that they were better judges of this matter than the Parliament that had enacted such a clause. Upon what principle was the Parliament of 1855 to say that 1,000,000*l.* a year must be applied in a particular way by the Parliament of 1860 or 1870? They were there to find supplies and money to meet the national exigencies for our own times, and not for the time of our children. That was not their business. They would not ensure the attainment of their object by dictating in this way to a future Parliament as to the manner in which they were to exercise their discretion. He would point out another great disadvantage which attended this mode of proceeding. They provided that this 1,000,000*l.* sterling should be applied to the redemption of the debt at a future time, and also to the redemption of Consols. How could they tell now, whether in the year 1860 or 1870 it would be wise to apply this money as was proposed in the redemption of the stock? It might be preferable to redeem Exchequer bills or Exchequer bonds or other stocks. But here was an Act of Parliament of 1855—utterly ignorant of the circumstances under which the money was to be applied in successive years—actually dictating to a future Parliament the policy they ought to pursue, and appointing a mode of investment under circumstances of which they could have no knowledge whatever. The question was this—were they likely to promote the maintenance of the principle of a surplus revenue by an Act of this kind? However much he respected the motives of his right hon. Friend the Chancellor of the Exchequer, he confessed he inclined to the opinion that the Parliament would do much better to rest satisfied with the performance of its own duty, and not undertake to lay down a particular policy to a future Parliament. He must not be told that enactments of this nature were harmless. Enactments of this kind had a tendency to throw dust in the eyes of the people, and to create an undue facility for unnecessary loans. These were extremely grave questions. For his part he thought the more straightforward and better course would be to be as explicit as possible in all their proceedings involving the disposal of the money of the people. They ought not to attempt to express what was called a principle, but what was really a mere paper promise of repayment, which they had no right to bind others to fulfil. Before sitting down he wished to draw attention to an inadvertence that occurred in the proceedings of the Committee on Friday night. Upon consulting the Votes on the following morning he found that the Resolution relating to the loan, the Customs, and the Excise duties, had, in conformity to previous practice, been voted by the Committee. It appeared, also, that the Resolution affirming the principle of the new income tax was also voted at the same time. He apprehended that the principle of discussing all proposals relating to taxation in Committee of that House, upon their introduction, was one of the most precious and important privileges of the House. The House, with good sense, sometimes waived the principle of discussion in cases where propositions relating to taxation were absolutely necessary and urgent. There was, however, no reason of this kind at all applicable to the Resolution proposing an increase in the income tax. There was no proceeding to be taken which depended in the slightest degree upon the passing of that Resolution on Friday night. The same observation applied equally well to the proposed stamp duty upon bankers' cheques. The usage was to give time to the House, after hearing the statement of the Chancellor of the Exchequer, to consider such proposals before they were called upon to proceed to any Vote. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), when he made his financial statement in December, 1852, not only did not press the House for any Vote, but it was actually in the first stage, in the preliminary Committee, that his proposals were resisted and rejected by a majority. The present departure from the usual practice had, no doubt, happened inadvertently, but the point was of such grave importance that he had felt it his duty to enter his protest against it. He, however, must express a hope that this evident error would not hereafter be drawn into a precedent.

Mr. JOHN MACGREGOR said, that the Chancellor of the Exchequer ought to have thrown the loan open to public competition, and he considered that the right hon. gentleman might have raised 20,000,000*l.* on terminable annuities at less than 4 per cent., which, with 3,000,000*l.* of Exchequer Bills, would have given him all the funds that he required, without having recourse to the imposition of increased duties on tea and coffee. He quite agreed with his right hon. Friend the Member for the University of Oxford (Mr. Gladstone) that the House had no right to pledge a future Parliament to the repayment of 1,000,000*l.* per annum of the debt now incurred.

Mr. LAING said, he rose to correct the misapprehension into which the hon. Member for Huntingdon (Mr. T. Baring) had fallen in respect to the argument which he had used on Friday night. He did not on that occasion contend that this loan should have been raised by terminable annuities only. The great object which he had then urged against the Chancellor of the Exchequer's scheme was founded on the creation of so large an amount of debt in the ordinary 3 per cent. Consolidated Stock, and he had simply represented that it would have been possible for the right hon. Gentleman to have raised an equally large amount either by a system of terminable annuities, or by the creation of stock at the market rate of interest which the Government credit would have commanded at the time, viz., at 3½ per cent. Another very serious objection which he felt to the right hon. Gentleman's proposition was, that as the Three per cents were, to a great degree, the barometer which regulated the state of our national credit, owing to there being always a large amount of trust and other moneys of the same description ready to be invested in them, the result of adding so largely to this description of stock would be to make the other securities range at a lower rate than they otherwise would do. Had not the price of Consols been unnecessarily depressed by the sale of savings' bank stock, and had the loan been proposed in some other description of stock, Consols would, he had every reason to believe, have stood some 3 per cent. higher than they did at the present time. But a fall of one per cent. in the price of

Consols was equivalent to a diminution of about 10,000,000*l.* in the value of the whole national securities, and a scheme which, for the sake of getting only 16,000,000*l.*, caused even a temporary diminution in the aggregate value of the national property to the amount of some 25,000,000*l.*, could not be a very good one. Except in case of great urgency any addition to the Three per Cents ought to be avoided. In his opinion, it would have been practicable for the Chancellor of the Exchequer to have resorted to the plan of terminable annuities, and it was for the purpose of showing that they were quite as marketable as any other description of security that he had on Friday quoted the case of the French railways, where there was somewhere about 100,000,000*l.* of property invested entirely in terminating stock. It was a mere question of price, and, though no doubt a considerable present sacrifice would be inevitable, yet now that we were in all probability at the commencement of a new series of loans, it was well worth trying whether they could not be advantageously effected in terminable stock. The Chancellor of the Exchequer might easily have ascertained from the great moneyed corporations at what price they would effect such a loan ; and, if the sacrifice had appeared too great, he would then have had the other alternative open to him of effecting it in Three-and-a-half per Cents, by which means, though no actual reduction of debt was secured, yet there would have been a prospect of effecting at some future period a reduction in the interest. The hon. Member for Huntingdon had evidently misunderstood the argument of the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn). The right hon. Gentleman did not object to the principle of attempting to reduce the debt, but to a mode of doing so which he considered would be entirely illusory. If the Government were in earnest, let them embody this principle in the very terms and essence of the loan, and then the performance of the obligation so imposed could not be shrunk from without their committing an act equivalent to national bankruptcy. They certainly ought not to burden posterity with a perpetual charge of this description ; but he (Mr. Laing) could not be a party to the creation of a mere fictitious guarantee for the repayment of this loan, which, when it came to be tested, would not hold water.

Mr. JAMES MACGREGOR said, that the hon. Member for the Wick Burghs (Mr. Laing) had quoted as a parallel to this loan the raising of a large sum of money on the French railways, upon which 100,000,000*l.* were borrowed in what the hon. Member called terminable annuities. Now, the fact was, that the profits on the French railways were so large that they enabled a considerable sum to be regularly laid by for what was termed an *amortissement* of the capital, by which means the parties who subscribed the 100,000,000*l.* received back again, on the expiration of the lease, the whole amount of the capital they had previously invested. It would be well for the unfortunate holders of railway property in England if they could receive back their original capital. With regard to the contract which the Chancellor of the Exchequer had entered into for this loan, it was only fair to say that, in the difficulty in which he had been placed in having to borrow 16,000,000*l.* concurrently with the imposition of additional taxes, the right hon. gentleman had conducted the operation in a highly satisfactory manner, and that its execution reflected upon him the greatest credit.

Mr. THOMSON HANKEY said, he had heard with much astonishment the objection stated by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) to that House, pledging itself to the redemption, at a future time, of the loan now to be raised. Why, that was precisely the same course which that right hon. Gentleman himself pursued last year when he raised a certain sum upon Exchequer Bonds, and asked the House to agree to a certain amount of taxation to afford him the means at a subsequent period of redeeming those bonds. Thus the House was involved in a pledge to maintain a certain amount of taxation to enable it to fulfil the engagement into which it had entered ; and it was no more than what the present Chancellor of the Exchequer asked them to do in regard to the repayment of this loan. He quite agreed with the hon. Member for Huntingdon (Mr. T. Baring) in thinking that although no doubt a future House of Commons might reverse the decision to which they came on the present occasion, yet that it was not inconsistent with their duty to give the best pledge in their power for the honesty of their intention, when peace should happily be restored, to maintain such an amount of taxation as would admit of the gradual reduction of the national debt to the point at which it stood before the contraction of this loan.

Mr. WILKINSON said, he doubted the wisdom of the House now entering into a pledge to be fulfilled hereafter, when the circumstances of the country might be altered in a manner which it was utterly impossible for anybody now to foresee. With regard to the creation of a 3½ per cent. stock, as suggested by the hon. Member for Wick (Mr. Laing), that course, in the present state of monetary affairs, would not, he considered, have been expedient.

Mr. CARDWELL said, that he had heard with some surprise the remarks of the hon. Member for Peterborough (Mr. T. Hankey), for if two things were perfectly distinct they were these : one for the House of Commons to do a thing at a particular time, and the other for them to enter into vague paper promises which they themselves had no power to perform. Besides, the case referred to by the hon. Member was otherwise different from the present loan. When the Exchequer Bonds were issued, the condition for repayment within a certain period was a stipulation entered into with the lenders—it was part of the contract, and was not therefore likely to be broken. The taxes, therefore, imposed to meet it were sure to be maintained. But what the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) contended was, that this clause would not constitute any obligation on the public ; that it would merely act as an opiate, inducing them to believe that this was a mere temporary loan, and that provision had been made for its repayment in time of peace, although at the same time we knew that, except in the formal words of an Act of Parliament, no such provision had been made, because it was not in our power to make any. The hon. Member for the Wick Burghs (Mr. Laing) said that the borrowing of money on terminable annuities was a question of price. No doubt it was. And it was the duty of the Chancellor of the Exchequer to pursue the requisite calculations on matters of price, and to take care that the loan was negotiated on as favourable terms for the public as possible. He believed that the Chancellor of the Exchequer had done so on the present occasion, and that the present loan was negotiated in a manner highly advantageous to the public. As to the expediency of borrowing upon loans terminable on shorter notice than a twelvemonth—in doing so they obtained a substantial return for any additional price they paid to the lender, because it was well known that the condition of giving twelve months' notice presented a serious practical obstacle to the operation of reducing the interest on the debt. It was no sufficient answer to this to say that those loans, the interest of which could be lowered on a shorter notice, were already large in amount ; for it was obvious that the greater the proportion of debt over which they could spread a reduced rate of interest, the better would it be for the public.

The CHANCELLOR of the EXCHEQUER : I have, Sir, listened with the utmost respect to the remarks made by my right hon. Friends the Members for the two Universities on the proposal contained in the resolution before the House with respect to the annual repayment of the loan after the expiration of the war. The opinions which they have expressed will command great weight, not only from their financial experience, but from their ability in all matters relating to this branch of the subject. Sir, I fully admit that the Resolution in question is not a matter of contract between the Government and the lenders of the 16,000,000*l.*, and that it is perfectly open to this House to consider this question without placing any limit on the discussion, and to deal with the clause, when the Bill is before them, as they may think fit. But this proposition has been deliberately proposed to the House by the Government, as they believe it to be a proper and defensible proposition, and when the proper time comes they will feel it their duty to adhere to, and to take the sense of the House upon it. I cannot but think that there has been some misapprehension on the part of my two right hon. Friends as to the precise effect of the proposition in question. On Friday night, when I had the honour of explaining its nature, what I distinctly stated was, that this House could not make an irrevocable law ; that an Act passed by this Parliament might be repealed by a Parliament fifteen years hence; and that we could not do anything which would effectually tie up the hands of our successors. Precisely the same objection that my right hon. Friend (Mr. Goulburn) makes to this proposition might be made to every Act which passes this House which affects future generations. There is nothing peculiar in the proposition which we make. It cannot control the future discretion of Parliament; but the effect which it would have if it received the authority of law is this—it creates a permanent charge on the Consolidated Fund, and it becomes the duty of the existing Government to make provision for that sum out of the Ways and Means of the year. It will, therefore, be the duty of the Chancellor of the Exchequer, so long as this Act remains unrepealed, to estimate for 1,000,000*l.* in his annual Budget for the purpose of repaying the loan now contracted. I am perfectly aware that it may so happen that the nation may be engaged in war, or that there may be some pressing necessity which may render it inexpedient that the surplus revenue of a particular year should be applied to the reduction of this debt; if so, it will be in the power of Parliament to untie the hands of the Government, and to repeal, either permanently or temporarily, the enactment which makes it necessary that the Government should provide this 1,000,000*l.*, and to make any provision which they may deem suited to the exigencies of the time; but until Parliament does so interfere, and does so untie the hands of the Government, it will have to make this provision for the extinction of the debt. This is all that it is possible for us to do, for we can in no way place a limit on the future discretion of Parliament. We are unwilling to create a permanent burden on posterity, and circumstances prevent us from borrowing so large a sum as the loan required in terminable annuities. It has been stated by the hon. Member for Huntingdon (Mr. T. Baring), who is entitled to speak with great authority on this subject — and I am satisfied that his statement will be confirmed by all persons who will carefully consider the question—that a loan of 16,000,000*l.* cannot be effected on terminable annuities without giving terms so extravagant that the Government would be justly condemned if it agreed to accept them. I question whether, without giving terms absolutely extravagant, so large a loan could be effected at all in terminable annuities of thirty years, for there is a great objection on the part of the public to receive back every year a portion of their capital in driblets, subjecting them to the necessity of expending their capital as income, or of reinvesting it in a troublesome manner in small sums, very often under embarrassing circumstances. These would be difficulties so great that it is very questionable whether so large a loan could be effected at all in terminable annuities. As it was not, therefore, in the power of the Government to effect the loan in terminable annuities, they have gone as far as they believed they possibly could—they have raised a portion in perpetual stock, and they propose at the same time to make it obligatory on the existing Government to apply for 1,000,000*l.* annually to extinguish the debt so created. I am willing to admit that this is not a paramount authority, and that Parliament has the power to rescind it; but it is impossible for us, without making the repayment of the debt matter of specific contract between the Government and the lenders, to impose more stringent obligations. With regard to terminable annuities, there is this advantage —the repayment of the principal and interest is made a matter of specific contract between the Government and the lenders; but with regard to perpetual annuities this is not and cannot be the case. My right hon. Friend the Member for the University of Cambridge made some remarks as to the expediency of contracting for this loan in 3 per cent Reduced Annuities rather than in Consols, on the ground that the one was redeemable by a year's notice, which, with regard to the other stock, was not the case. He spoke of Consols as being irredeemable; but I cannot help thinking that he confounded two ideas which are wholly different—namely, the reduction of interest on stock and the extinction of that stock; for, if the House should at any time be induced, as I hope it will be, to make a real sinking fund, and not an imaginary and illusory one, founded on the principle of borrowing and the principle of compound interest, I see no reason why Consols or any perpetual annuity should not be redeemed by the Government going into the market and buying up their own annuities, thus extinguishing both debt and interest. I confess I am not very sanguine as to the possibility of reducing—within the lifetime of the present generation—the interest on Three per Cent Stock, but I see no reason why we may not extinguish any amount of stock by annually applying to the purchase of it surplus taxation. My right hon. Friend seemed to speak of perpetual annuities as though they were inextinguishable, and he seemed to contrast terminable annuities as something the Government can extinguish with perpetual annuities, as something which the

Government cannot extinguish; but no error, I must be permitted to say, can be more striking with regard to a mere financial question. Perpetual annuities are convenient both to those who lend and to those who borrow. They are convenient for the Government, because it cannot be called upon at any definite time to pay the principal—they are convenient for the lenders, because they cannot be required at any definite time to receive back their principal; but if the Government is in possession of revenue applicable to the extinction of such debt, it can go into the market and buy up perpetual annuities, and as effectually extinguish them as any other stock. The provisions that have been made at different times for the establishment of a sinking fund have gone on the assumption that they would place the Government in a position to extinguish the debt; but the sinking funds of 1823 and 1827 rendered it necessary that a surplus of 5,000,000*l.* in one case and 3,000,000*l.* in the other should be applied in redemption of the debt. I regret that these Acts have been repealed, but I trust that when the war ceases there may be a disposition in Parliament to return to that wholesome system. But let not the House suppose that the existence of perpetual annuities presents any difficulty which impedes the extinction of the debt, or that if they would consent to raise an annual surplus they could not redeem those annuities on the most advantageous terms. Something has been said upon the subject of opening a subscription loan. I entirely concur with the very instructive remarks made upon that subject by the hon. Member for Huntingdon (Mr. T. Baring), who illustrated it by a comparison of the different circumstances of England and France. It is also to be remembered that if we opened a subscription loan in this country we should create a demand upon the savings banks, which we could only meet by a sale of the stock belonging to the Government, and in that manner we should cause a drain upon our own funds. Another circumstance which hon. Members ought not to omit to mention is, that if a loan were raised by subscription, it would be necessary for the Government to fix the price at which they would receive subscriptions. The subscription would necessarily be kept open for a considerable time, and therefore, in order to insure the obtaining of the loan, it would be necessary to fix that amount within certain limits, and the Government would necessarily lose the advantage of competition in the money-market. Even when it happens that only one tender is sent in, as was the case with the present loan, the persons who make that tender act under the influence of competition, and with the knowledge that if the terms they offer are not reasonable others are ready to come forward and offer more moderate terms. I heard with satisfaction the testimony rendered by so great an authority as the hon. Member for Huntingdon with respect to the terms upon which the loan has been contracted. I have every reason to believe from all I have heard since the acceptance of the tender that, while those terms were fair and advantageous to the contractors, they were also beneficial to the public, and that the very onerous responsibility which lies on the Executive Government in contracting a loan without its being possible for them to obtain the previous sanction of Parliament has been met in a manner which will receive the approbation of the House. Some remarks have been made as to its being desirable that the Government, before receiving tenders for a loan, should inform the House of the conditions upon which it is to be offered to the public. I can assure hon. Gentlemen that if the matter had depended merely on the wish of the Government to divest themselves of a somewhat painful responsibility, they would unquestionably have resorted to that course. On examination, however, of the precedents of previous loans and of the possibility of adopting such a course, they found they had no alternative but to adhere strictly to the practice of former times, and to take upon themselves the responsibility of making a provisional contract before they asked for its confirmation by the House. I must express my regret at having inadvertently done anything contrary to the practice of the House with reference to the income-tax resolution, which has been alluded to by my right hon. Friend the Member for the University of Oxford (Mr. Gladstone), I can only say it was entirely owing to my inexperience in such matters. No objection was made when the Resolution was put from the Chair, and nothing was said upon the subject of the income tax. If any objection had been communicated to me I should unquestionably have postponed the Resolution. I am not aware that there is any other point which at present requires explanation. I will only add that a great distinction exists between those conditions of the loan which are matter of contract between the Government and the lenders, to which the Government are in honour bound to adhere, and the provision for the annual repayment of 1,000,000*l.* That is a provision which is perfectly open to consideration and discussion by the House at any time.

Sir HENRY WILLOUGHBY said, he thought the loan was on the whole a fair transaction, but he considered that the margin of 5,250,000*l.*, which the right hon. Gentleman (the Chancellor of the Exchequer) took, was, in his opinion, carrying the doctrine of a margin too far. He had always thought the margin was taken in the shape of a Vote of Credit. His (Sir H. Willoughby's) remarks applied as well to the extent of the loan as to the levy of the new taxation. He also thought that the obligation of providing 1,000,000*l.* a year for the extinction of the loan was not, as the right hon. Gentleman seemed to think, a nugatory obligation. There was, however, a point which he (Sir H. Willoughby) wished to be explained. The right hon. Gentleman had taken credit for 1,000,000*l.* of Ways and Means as due to the Commissioners for the Reduction of the National Debt in consequence of sales of savings bank stock. The right hon. Baronet, therefore, while contracting a loan in 3 per cent stock, was selling the same stock constantly—that being the stock in which the great bulk of the savings banks funds was invested. This operation had excited a great deal of observation; and its power of deranging the monetary transactions of the country was enormous. He (Sir H. Willoughby) was, as he had said, satisfied with the loan in all respects but one, and that was that it was contracted in Three per Cent Consols on one day, and on the next the right hon. Gentleman had imposed an additional income tax on these annuities.

The CHANCELLOR of the EXCHEQUER said, that, with regard to the savings-bank money, the Act authorised the Government to direct the Commissioners for the Reduction of the National Debt to sell stock belonging to the savings banks, and to exchange them for any other Government securities. Exchequer bills, although they were temporary and renewable securities, were just as binding upon the Government as securities which had a longer duration; and when the Commissioners for the Reduction of the National Debt sold stock and took Exchequer bills in exchange from the Government, they did not diminish the strength of their securities, but merely varied the form; and it was a mistake to suppose that they thereby endangered the deposits of the savings banks. He had already stated that the loan of 16,000,000*l.* was as near as possible half the extraordinary expenditure of the year. With regard to terminable annuities, the lenders of money necessarily exposed themselves to the fluctuations that might take place in the amount of income tax. He hoped that ere long a diminution in that tax might take place, in which event these parties would share in the benefit of such reduction. These fluctuations, of course, entered into the calculations of these persons in the offers they had made.

Mr. W. WILLIAMS said, he wished to know whether the Estimate of 86,000,000*l.* included the cost of collecting the revenue?

The CHANCELLOR of the EXCHEQUER: Yes; I apprehend it does. It includes the whole of the money voted in Supply.

Resolution *agreed to;* as were also Resolutions 2, 3, 4, and 5.

On Resolution 6, providing that a sum of 1,000,000*l.* per annum be applied after the conclusion of peace with Russia towards the redemption of 16,000,000*l.* Consols,

Mr. GLADSTONE said, he wished to submit two points to the consideration of his right hon. Friend. The object of his right hon. Friend (the Chancellor of the Exchequer) was to secure the application of a certain amount of money in time of peace towards the reduction of the national debt. But that object, he conceived, might be attained without adopting the objectionable and awkward course of binding the Commissioners for the Reduction of the National Debt to lay out money in redeeming a particular description of security which it might be most unwise at that particular time to purchase. He would suggest that the clause should give the Chancellor of the Exchequer power to issue his 1,000,000*l.* a year, and to force the Commissioners to lay out that money in the reduction of some public security until the amount of Government debt had been redeemed equal to the amount which Parliament was about to create—namely, 16,000,000*l.* That, he thought, would be a practical improvement, and it avoided what might prove to be an inconvenient provision, because it would enable the Government to buy up not only Three per Cent Consols, but any other public security, according to their discretion. The other suggestion was a very friendly one to come from a man who was not favourable to the substance of the clause. He doubted whether the clause was wide enough. The Chancellor of the Exchequer created 16,000,000*l.* Consols, and the object of the clause was to require the payment of as much money at the rate of 1,000,000*l.* per annum as would redeem 16,000,000*l.* of Consols. But Consols might be redeemed from other sources, and in five years after the conclusion of peace there might be 10,000,000*l.* of surplus in that form, so to be applied by the Commissioners for the Reduction of the National Debt. If so, the Chancellor of the Exchequer would not get 16,000,000*l.* paid under this clause, for the authority of this clause would cease as soon as 16,000,000*l.* worth of Consols were redeemed, whether it were redeemed by money under this clause, or by the general application of the law relative to an appropriation of a portion of the surplus revenue towards the reduction of the national debt. He doubted, therefore, whether the clause was strong enough for the object proposed.

Mr. T. BARING said, he thought that the adoption of the first suggestion of the right hon. Gentleman (Mr. Gladstone) would entirely frustrate the object of the Resolution. There was a great variety of Government securities, and the alteration suggested by the right hon. Gentleman would enable the Chancellor of the Exchequer to buy up the Exchequer bonds of the right hon. Gentleman (Mr. Gladstone) when they fell due, or to buy up Exchequer bills if it were convenient to the Government of the day to take 1,000,000*l.* of them off the market, or the deficiency bills of the savings banks might be taken off the market. The object of the Chancellor of the Exchequer was that, beyond any other claim upon the Exchequer, 1,000,000*l.* a year should be applied to the redemption of the Consols created by this Resolution. He could not, therefore, understand that there could be any other object in the suggestion made by the right hon. Gentleman than to frustrate that arrangement.

Mr. GLADSTONE said, he thought he was hardly open to the remark, that his

object was to frustrate the intention of the Resolution, and he must ask the hon. Gentleman to explain his meaning.

Mr. T. BARING said, he could assure the right hon. Gentleman that he had only intended to say that the effect, and not the object, of the right hon. Gentleman's suggestion would be that which he had described.

The CHANCELLOR of the EXCHEQUER said, the alteration which his right hon. Friend (Mr. Gladstone) had suggested was not to exclude Exchequer bills or Exchequer bonds or any other description of security, not Three per Cent Consols, from being redeemed under this clause. Perhaps, the House would allow him to consider the suggestion, and, if it should be found desirable to make the change pointed out, it could be done when the Bill was before the House. He certainly did not see any objection to applying the 1,000,000*l.* a year to the redemption of any portion of the funded debt. With regard to the other point referred to by his right hon. Friend, it was difficult, at the moment, to see what would be the precise effect of the suggestion he had made. It was, of course, desirable to avoid giving the words of the Resolution a wider extension than they would be strictly intended to bear; he would, therefore, consider the point adverted to by his right hon. Friend, and state his opinion respecting it on a future occasion.

Mr. W. WILLIAMS said, that notwithstanding the reply of the right hon. Gentleman (the Chancellor of the Exchequer), it was his belief that the 86,000,000*l.* did not include the cost of collection of the revenue. That was an important question to be considered. The object of the former Commission was to bring the whole of the expenditure, including the cost of collection, under the notice and supervision of Parliament; and the late Chancellor of the Exchequer deserved the highest credit for the good he had done in that direction. There was no necessity for the suppression of the large amount of the cost of the collection, and if it were added to the revenue accounts it would be found that the sum wanted would not be 86,000,000*l.*, but nearly 90,000,000*l.* He hoped the right hon. Gentleman would give the House some assurance that this subject should be attended to.

Mr. WILSON said, that all the accounts relating to the expenditure for the present year had been made up according to the old system, which excluded the cost of collection on one side of the account, as well as the gross amount of revenue on the other. For the future, the accounts would show both these items.

Resolution *agreed to.*

On Resolution 7, relating to the increase of duty on Spirits being read,

MR. WHITESIDE said, he had to complain of the phraseology adopted in the Resolution, and which in fact involved a species of great injustice to a large body of persons connected with the spirit trade in Ireland. The words of the Resolution were that—

> "Every gallon of spirits of the strength of hydrometer proof, which on or after the 20th day of April, 1855, shall be distilled in Scotland and Ireland respectively, or be in the stock, custody, or possession of any distiller, rectifier, or compounder of, or dealer in, spirits in Scotland or Ireland"

should be subject to an additional duty. Now, the question he had to ask the Chancellor of the Exchequer was, did he mean that after the passing of this Resolution the new duty should have a retrospective effect upon the stocks in the possession of the dealers who had already paid the existing duty? Because, if that was the meaning of the right hon. Gentleman, a more unjust thing he could not conceive. He did not find fault that the stocks which the coffee dealers and the tea dealers had in hand were to be surcharged.

THE CHANCELLOR OF THE EXCHEQUER said, the explanation he had to give was, that this Resolution had been drawn up on the same plan as the Resolution for a similar object relating to the increase of the spirit duty was prepared by his right hon. Friend and predecessor last year, and which was then adopted by the House. It was on that occasion declared that the stock in hand should be subject to the increased duty on the same principle that the stock in hand had the benefit in the case of a reduction of duty.

MR. FAGAN said, he must, though with great respect, beg to deny the statement made by the right hon. Gentleman, that the present Resolution was prepared in similar words to those used in the Resolution of last year. The Resolution of last year did not contain the words "rectifier or compounder of, or dealer in spirits." He was aware that the additional tax was made to apply to the stock in the hands of the distiller, but it was not just to the stock in the hands of the dealer. If, therefore, the hon. and learned Gentleman opposite (Mr. Whiteside) would support him, he would move that the words "rectifier, or compounder of, or dealer in spirits" be expunged from the Resolution.

THE CHANCELLOR OF THE EXCHEQUER said, that there existed no doubt as to what was the practice in these cases with respect to the stocks of the distillers, and that the only question that arose was with respect to the stocks in the hands of the rectifiers and of the dealers in spirits. He was not prepared to say whether the practice either way had been uniform. He would take the subject into consideration, and, if the hon. Gentleman would bring the question again before the House, he would be prepared to express his final opinion upon it.

MR. FAGAN said, he was quite satisfied with the assurance the right hon. Gentleman had just given.

Resolution *agreed to;* as were also Resolutions 8 to 15 inclusive.

On Resolution 8 relative to the duty on sugar,

CAPTAIN LAFFAN said, that recently very considerable additions had been made to the duties on sugar in the British possessions, and at the same time very considerable remissions were made to slave-grown sugar. The present addition to the sugar duties was regarded in the Colonies generally as an injustice. The Mauritius, the Colony with which he was best acquainted, was dependent for its prosperity, and, indeed for its very existence, upon having a full supply of free labour from India. It was at first extremely difficult to persuade single men to come from India with the view of realising a competence with which to return to their own country. The agents of the Government in India acting upon, or misinterpreting, instructions received from home, made and enforced a regulation that every Indian leaving India should be accompanied by a woman, which was equivalent to stopping the supply of labour and destroying the production of sugar at Mauritius. Representations were made on the subject to Her Majesty's Government, who proceeded to consider the question, but they were taking so long a time to arrive at a determination that while the matter was being settled the Colony was being ruined. The Government wished, as every one did, to create an approximation between the two sexes, ut he had no idea that they wished to put a stop to the prosperity of the Colony. He hoped, therefore, that the next overland mail would communicate to the Government agents in India that they had misinterpreted the instructions sent them.

Mr. J. BALL said, it was true that the immigration into the Mauritius, as well as into other Colonies, of a large number of men, increasing enormously the male population, had engaged the attention of successive Colonial Ministers, and it was therefore deemed highly essential that effectual steps should be taken to procure an approximate proportion between the two sexes in those Colonies. In the month of June last, therefore, a letter on the subject had been addressed to the Governors of the more important Colonies, in which, however, there was not one word indicative of an intention to put an end abruptly to the introduction of coolies. No instructions were given by the Colonial Office to the emigration agents in India, but the Emigration Commissioners in this country, to whom the views of the Duke of Newcastle were made known, informed those gentlemen that it was essential that a considerable proportion of women should emigrate along with the men. From the tenor of these instructions he could not think that any officer had taken upon himself arbitrarily to put a stop to the emigration from India to the Mauritius, because there was nothing whatever in those instructions which distinguished the case of the Mauritius from other Colonies. He could assure his hon. and gallant Friend that it was the intention of the Government to forward precise instructions by the mail about to leave, and if any misconception had existed it would be removed. At the same time, the noble Lord now Secretary for the Colonies concurred entirely with those who had preceded him in thinking that immediate and effective steps should be taken to increase the female population of the sugar colonies.

Mr. POLLARD-URQUHART said, that, as a West India Proprietor who had suffered long in silence, he trusted that he might be allowed to protest in a few words against the injustice with which the West India Colonies had been treated. They had been told that in 1854 they would know the worst, and they had made their arrangements in the hope that no further prejudicial measures would be taken against them. In the very first year afterwards extra duties were imposed upon their produce—duties which, in his opinion, would make the whole difference between cultivating their estates with profit or abandoning them with loss. He had had the misfortune to succeed to a West India estate of from 2,000*l.* to 3,000*l.* a year; but for the last few years of his possession it had caused him to be 1,500*l.* a year out of pocket. He had become a free trader greatly to his own loss, and he wished to know why hon. Gentlemen opposite had forgotten on the present occasion those free trade principles which for the last ten years they had been inculcating in the Legislature. In a time of peace they had suffered severely from free trade, and he had to protest against inflicting on them in time of war a gross injustice, and a policy which would certainly ruin them.

Mr. E. BALL said, the hon. Gentleman who had just sat down was one of the strenuous advocates of free trade, and was so enamoured of that beautiful theory that he was willing to sacrifice his interest of from 2,000*l.* to 3,000*l.* a year, for which he now paid 1,500*l.* He (Mr. E. Ball). had opposed the alteration of those duties, not only on account of the loss which would be entailed on West Indian property by the alteration, but also and chiefly on account of the great impetus which would be given to the slave trade and slavery in Brazil. He wished to know whether the Government intended the increase of duty to apply to all sugars, or only to those of Cuba and Brazil. If only to Cuba and Brazil, the proposal would be an excellent one.

Mr. J. G. PHILLIMORE said, he did not rise to criticise the budget, but only to express his deep regret that there should be a necessity for proposing a duty on sugar, which he believed would have a pernicious effect on the happiness and comfort of the lower classes. He did not mean to deny the existence of the necessity, for he had the greatest confidence in the talents of the right hon. gentleman the Chancellor of the Exchequer; but he must express his regret at a necessity which, in a moral point of view, would have most unfavourable results.

Mr. WILSON said, with respect to the complaints of the hon. and gallant member for St. Ives (Captain Laffan) who appeared as the advocate of Mauritius, he had complained rather of the absence of labour than of the condition of the island. With respect to the sugar colonies in general, perhaps there was no British interest which exhibited a more marked example of rapid progress than the island of Mauritius. The very complaint of the want of labour was the best evidence of the prosperity which that island enjoyed. It would be satisfactory to the House to know that in 1844, when Mauritius was in the full enjoyment of a protection amounting almost to an exclusion of foreign sugar, its produce was 27,000 tons per annum. In 1848 it had risen to 44,000 tons, and in 1854, after protective duties had been reduced, the exportation had risen from that amount to 82,000 tons. There was, therefore, a large increase under the influence of free trade and of a competition which increased year by year. With such a large increase he therefore did not wonder that they complained of the want of labour in that island. The Colonial-Office would encourage emigration from India in every way consistent with other interests to supply that demand for labour. Now what he had said, with reference to the prosperity, the Mauritius might with truth be said of the whole of the sugar colonies, though perhaps not to the same extent. Taking the British colonies as a whole, he found that in 1844, when these colonies enjoyed protection, they exported 204,000 tons of sugar to this country. Last year this amount was increased to 290,000 tons. The effect of free trade had been greatly to reduce the price of sugar, and as to the proposed increase, it would only increase the price of sugar to the consumer 1*s.* per cwt. as compared with the price last year. It was not the intention of the Government that the increased duty should apply solely to the sugars of Cuba and Brazil, but to sugars of all descriptions.

Mr. BLACKBURN said, he had the misfortune, like the hon. Gentleman below him (Mr. Pollard-Urquhart), to be a West Indian proprietor, and, notwithstanding all the efforts he had made to improve his property, he had found it gradually becoming less valuable since the alterations in the policy of the Government had been carried into effect. It was quite evident that the increase in the duties now proposed would chiefly fall upon the producer, and he could not believe that it would amount to less than 1*s.* per cwt., or 1*l.* per ton. Upon 160,000 tons of sugar there would consequently be a loss of 160,000*l.* a year, and could it be said that the producers were in a position to sustain so serious a loss? He was strongly opposed to supplying the deficiency in our revenue by additional taxes on articles so much used by the poor as tea, coffee, and sugar. It would be better to cut down the Estimates 2,000,000*l.* than to raise that amount by means so objectionable. The hon. Member opposite (Mr. Wilson) was wrong if he thought that slave-grown sugar had not interfered with free-labour sugar. This country had imported from the West Indian colonies last year 1,600,000 cwt. of sugar, and from Cuba, Porto Rico, Brazil, and other slave-labour countries, 1,700,000 cwt. He believed the proposed increase of the duty would not only tax without any necessity the comforts of the poor, but would also stimulate the production of slave-grown sugar, and inflict a serious injury upon our colonial producers.

Mr. HEYWORTH said, he must complain of the policy of indirect taxation, because if the demand for manufactures was restricted abroad, the means of paying the taxes in this country would be diminished. He agreed that the addition of one per cent. to the income tax, which would produce the amount, would be preferable to this proposition, and he trusted that the House would not sanction the absurdity of resorting to a principle which had over and over again been condemned.

Resolution *agreed to*, as were also the remaining Resolutions.

NEWSPAPER STAMP DUTIES BILL.

Order for Committee read.

Mr. COWAN said, he had given notice of his intention to move certain clauses and amendments, with the view of repealing the restrictions and limitations with respect to the number of sheets of paper, and the dimensions of the letter-press, whether of newspapers or periodical publications, imposed by the Acts now in force; and, also, for providing for the conveyance through the Post Office not only of newspapers, but of all printed matter, at the rate of one halfpenny for each transmission for every two ounces or portion of two ounces carried, or at such rates as would duly remunerate the Post Office for the service performed. It would perhaps be convenient to the House, therefore, if he took that opportunity of explaining the nature of the amendments he proposed to submit to the Committee. He had been for many years connected, in the way of business, with the newspaper press, and had supplied many newspaper proprietors with paper and with stamped sheets. He had considered it his duty to vote for the second reading of this Bill, but he had not done so without reluctance, because he was very unwilling to sacrifice a revenue of 200,000*l.* a year in times like the present, when it was most important to husband the resources of the country. He thought, however, that when the Government did not, or at all events could not enforce the existing law, a change was imperative, and he supported the second reading of the Bill in the belief that, eventually, the revenue would not suffer to any extent, if at all, from the alteration which was proposed. He had looked through the various Acts of Parliament which for many years, up to 1825, had regulated newspaper stamps, and he thought they bore evidence of the disposition of the Legislature from the time of Queen Anne, to hamper and restrict newspaper proprietors. Previously to 1825 no newspaper could be legally published of larger dimensions than twenty-two inches by thirty-two inches—a size much smaller than that of the evening London journals at the present time. At that time the weight of a newspaper did not exceed 1½oz., and the stamp duty was 4*d.* on each paper less 20 per cent. The stamp duty was afterwards reduced to 1*d.*, without any restriction as to the size of newspapers; but by an Act of Parliament subsequently passed a limitation was imposed upon their size. It appeared to him that, in 1836, the Government of that time had no idea what would be the result of the introduction of steam printing machines and railways in bringing on the present fix which they were in. There was no reason why the law of 1836 should have been accompanied with such an endless quantity of restrictions as to stamps, weight, and size. The effect of that law was to throw on the Post Office an enormous quantity of work, which it could not have sustained without the railways. He thought this was a fitting opportunity to consider whether the postage law should not be so altered as to make the carriage remunerative at lower rates, and the object of his proposition was to enable newspapers to pass through the post at the rate of one halfpenny for every two ounces. He considered that, unless such a system were adopted, the country newspaper proprietors would be subjected to very great hardship, for many of them would have to reduce the price of their journals to 2*d.* He had seen "specimen" newspapers, which were published day by day at the price of 1*d.*, and being to all intents and purposes newspapers, so long as the present law remained in force they were unquestionably illegal. He held in his hand a newspaper which was issued every day at the price of a penny, and he considered that it was most unjust to existing newspapers that such publications should be allowed. The hon. Member handed the paper to which he referred to the Chancellor of the Exchequer, who observed that it was a "specimen" number. He was aware it was a "specimen" number; but these "specimen" numbers were published day after day. He understood that there was an indisposition on the part of the Government to reduce the duty below 1*d.*, but although 1*d.* might not be a high charge for a newspaper which weighed four ounces, and the cost of which was 5*d.*, it would amount in the case of such specimens as those to which he had directed the attention of the House to a charge of 100 per cent. He thought the country owed much to the newspaper press for its contribution to the information and enjoyment of the people during the last twenty or thirty years. The press had become a great educational institute, and he was most anxious that the humble classes of society should have the means of procuring newspapers at a moderate price. He did not see the necessity of making a distinction between newspapers and other periodical publications, but thought they ought all to be classed under the same category, and he could assure the House that in making these suggestions he was animated not by a spirit of opposition to the Government, but by a desire to make the Bill generally acceptable. He did not wish to press his proposition unduly, but he trusted that the Government would give it every favourable consideration.

Mr. BARROW said, he regretted extremely to find that the Government did not accede to the substitution of a halfpenny stamp in return for the privilege of passing newspapers through the Post Office. In his opinion, this was a most serious question, affecting, as it did, the educated classes of the country, to whom the reading of the current news had become a necessity. The hardship inflicted by the Bill in its present state would fall more particularly upon constituencies such as he represented, and would scarcely be felt in large towns, to which unstamped papers would be brought by railways. But it would operate most unfairly to the proprietors of newspapers published in country districts which must depend mainly for their circulation in the rural districts upon the facilities afforded by the Post Office, and he therefore hoped the Government would take into their serious consideration the propriety of reducing the tax on that class of the community to a halfpenny, because, if they did not, he was certain they would destroy much of the good anticipated by the supporters of the measure—namely, that all classes, and particularly the lower classes, of the community should participate in the intellectual advantage and amusement of reading the newspapers. It must be remembered that persons living in country districts derived their whole supply of newspapers through the post, and from those local newspaper proprietors whose capital could ill afford an extreme pressure upon it. As far as the question of revenue was concerned, he believed they would rather gain than lose by reducing the postal charge to a halfpenny, for, if they did not do so, private enterprise would soon compete with the Post Office in rural districts, and the revenue from this source might be entirely lost.

House in Committee.

Clause 1 *agreed to.*

Clause 2,

Mr. COLLIER said, that the Amendment of which his hon. Friend the Member for Edinburgh (Mr. Cowan) had given notice having been withdrawn, he would venture to suggest some alterations in this clause, which he thought would embody the propositions of his hon. Friend. He would therefore propose that, instead of a stamp of a penny, which was imposed by this clause as the charge for postal conveyance, a halfpenny stamp should be substituted, and that such stamp should be imposed for each transmission by post, which he thought would be the fair and equitable manner of settling this question. He did not put this proposition entirely upon financial grounds, but upon the higher considerations of the duty they owed to the country to promote the cause of education, and it was therefore of the greatest possible importance that the best class of newspapers should be allowed the greatest possible facilities for circulation. Any tax restricting the transmission of knowledge was essentially a tax upon knowledge itself, and therefore it was with some confidence that he expected the support of those who had so long agitated for the repeal of the taxes on knowledge, in favour of his proposition for the reduction of the tax upon the conveyance of this most important species of knowledge to a halfpenny. There was another reason for pressing this Amendment. At present the London papers were upon the same footing as those in the provinces, a duty of a penny was imposed upon the transmission of all the London papers, being at the rate of 25 per cent upon those published at fourpence, 33 per cent on threepenny papers, and so on, which would operate materially as a protective duty on the lower class of provincial papers as against those published in London; but, if the Bill passed as it now stood, a low class of provincial papers would spring up, which, to some extent, would be nothing less than piratical publications from the London press. They all knew the enormous expense with which some of the London papers were conducted—they had an opportunity of reading the early and important news received by their means from the seat of war, they knew the high literary character of their articles, and they remembered the eulogium passed upon one of those papers by the hon. Member for Hertfordshire (Sir B. Lytton), who had declared that if he desired to leave to remote posterity some memorial of existing British civilisation he would appeal to a file of *The Times* newspaper. It seemed to him (Mr. Collier) that the imposition of a penny would be a protective duty, and that while it would materially diminish the circulation of London newspapers it would unduly increase provincial ones of a low class. He would not go into detail respecting the question of revenue, but merely refer the House to an able paper drawn up by a deputation which lately waited on the Chancellor of the Exchequer, and which gave very satisfactory reasons for supposing that, in all probability, the reduction of the postal charge to a halfpenny would improve it. In that document an opinion was attributed to Mr. Rowland Hill, to the effect that, with a reduction of the stamp duty and the continuance of a high rate of postage, not half the present number of newspapers would be circulated through the post. That was an additional reason for reducing it to a halfpenny, for he must say that he viewed with apprehension a decree of the circulation of the London papers throughout the country to the extent of half their present number. Such a question was beyond financial considerations; but, if Mr. Rowland Hill's opinion were correct, there was every reason to suppose that if a halfpenny stamp were substituted an increase in the revenue would result. The Post Office, he felt confident, would not be able to compete with the railways if they retained the penny stamp, for he was informed that at present seven impressions of *The Times* were carried by railway for one penny, and that a large number of the *Leeds Mercury,* containing seventy or eighty pages, were conveyed a distance of thirty two miles through the district for the like sum. There could be no doubt, therefore, that as a mere question of competition the railways could beat the Post Office. His Motion would be to vary the clause by inserting a provision to the effect that every periodical publication specified, stamped with a halfpenny stamp, or having such stamp affixed to it, should be allowed to pass once through the Post Office, and that every such additional stamp should entitle it to retransmission, subject to the provisions of the Act. That would leave the question of the weight and size of the publication so allowed to be transmitted open for further consideration.

Mr. COWAN said, he wished to explain that it was not competent for him to propose his Amendment before Mr. Speaker left the Chair. It was his wish, if possible, to have elicited some expression of opinion from the Government favourable to his views, but he had not yet succeeded in doing so. He knew that there were great difficulties in carrying out a measure like this, in connection with the Post Office, and he should be unwilling to take any course by which the Post Office would be forced to adopt a measure which would cause inconvenience. He still hoped to hear some assurance from the Government that they entertained a favourable opinion of his proposal. In the meantime he would support the Amendment of his hon. and learned Friend.

Lord STANLEY said, the question immediately before the Committee was whether, in sending a newspaper through the Post Office, the stamp should be a penny or a halfpenny? and there was a further question, whether the postage charged, whatever it might be, should send a newspaper through the post once only or several times? Now as to the latter question, affecting the retransmission of newspapers, he apprehended there was some little collision between what ought to be done in deference to existing interests, and what should be done on the principles of abstract right. He never could see on what ground of abstract right it was that a letter of half an ounce with a penny stamp went through the Post Office only once while a newspaper with a stamp of the same value might go an indefinite number of times. If Parliament were dealing with this question *de novo* he should have no hesitation in saying that this right of retransmission was one that could not be maintained; but they had to deal with interests that had grown up under the law, and looking at the matter in this light, even the right hon. Gentleman below the gangway (Mr. Gladstone), whose measure was more stringent than the present, proposed to retain the right of retransmission for a considerable period. If it was proposed to do away with that right at once and without previous notice, he thought it would be a departure from the ordinary course of Parliamentary proceedings and be productive of injury to interests created under the law, and a greater evil than the Legislature would be morally justified in inflicting. The proposal now was, that the price of transmission should be not a tax, but a postage stamp, and the question now before the Committee was whether that stamp should be a penny or a halfpenny. That question had not been raised till that evening in the House, but they were all more or less familiar with it by means of information which had been very industriously circulated. He believed it would be admitted that there was no wish to make revenue out of this carriage of newspapers; but, on the other hand, the newspaper interest had no right to ask that their productions should be carried at less than cost price. It should be as near as possible an equal bargain between the parties, by which neither the revenue on the one hand, nor the newspapers on the other, should gain. If the House of Commons once laid down that principle, the question would become one wholly of detail, and rather a question for the Post Office department than for the House to settle. He believed it was the opinion of the Post Office that a halfpenny would not be sufficient to cover the expenses of transmission. Whether that was so or not, there were some in the House better able to say than he was; but he begged to say a word or two as to the risk of the Post Office being undersold by private means. That risk did not weigh very much with him. The House must calculate on an enormous increase in the number of newspapers, which would throw an additional burden upon the Post Office. It was already found that in some places the increase of weight in the carriage of newspapers had been such as to cause considerable inconvenience to the local post. He did not know that there could be any object in attempting to prevent newspapers being carried by private parties. There was something to be looked at on both sides; but it was, in his opinion, a question which very much depended on what the Post Office Department might think would be a remunerative price. He believed a halfpenny would be below that price, and therefore he would support the proposition in the Bill for a penny. If the Committee were to carry out the intention of the hon. and learned Member—if 5oz. or 6oz. of printed matter were to be carried for a halfpenny—it would be difficult to maintain the discrepancy which would then exist between those two articles to which he had a short time since alluded—namely manuscript letters and printed matter. The difference was one for which he could see no fair ground or justification. He thought the House ought to avoid making unnecessary alterations; and, unless they were to have a different opinion from the Postmaster-General, he thought the penny stamp proposed in the Bill should be adhered to. For the present only, he would be prepared to continue the privilege of retransmission, but he could not conceal from himself that sooner or later it would have to be done away with.

The CHANCELLOR of the EXCHEQUER said, he must beg to recall the attention of the Committee to the origin of the Bill now before them. The Bill originated in difficulty which arose in enforcing the compulsory stamp. It was found that the law was ambiguous, and some inconvenience had arisen in the practical-administration of it. A Resolution was passed by the House last year condemnatory of the stamp, but not adverting to the pecuniary amount of the stamp, and in the present Session a Bill was introduced by the right hon. gentleman his predecessor, dealing with the question. The object of that Bill was to remove the compulsory stamp; and the Bill now under the consideration of the Committee was founded on identically the same principle. It was limited to the removal of the practical difficulty that had arisen in the enforcement of the stamp on all newspapers, and the wish of the Government was to make no further alteration than was absolutely necessary for the accomplishment of that limited object. They did not ask to lower the rate of the duty, but keep it exactly as it was, at the rate of a penny for a sheet of a certain size. The great objection taken to the measure on the second reading was, that it would endanger a large amount of revenue at a time when the expenditure of the country exceeded its income. It was then shown that the sacrifice of revenue, though considerable, would be met in the financial scheme of the year; and, accordingly, in the statement which he submitted on Friday an Estimate was made allowing for the deficiency of revenue in consequence of the change which it was proposed should take place. Since the second reading of the Bill—when they were told that so much depended on the maintenance of the stamp—a further question had been raised, namely, the reduction of the penny stamp to a halfpenny, and it was argued that this would be attended with no diminution, but rather with an increase of the revenue. Now, it certainly was possible that the sanguine calculations of the promoters of that plan might be realized; but, at the same time, they were founded on most uncertain *data*, and, therefore, the Government were not prepared to run the risk that would attend such a reduction of the duty, but felt themselves bound to adhere to the original proposition which they had made. The hon. and learned Gentleman (Mr. Collier) in proposing his amendment, had involved himself in a difficulty which arose out of the change he advocated. The hon. and learned Gentleman proposed both to retain the impressed stamp and to introduce a postage stamp. If the impressed stamp were retained it would be difficult to prevent the re-transmission of newspapers with the impressed stamp through the post, without imposing upon the Post Office the trouble of examining every newspaper and obliterating the stamp. If they were creating a system for the first time, unquestionably the most convenient plan would be not to have the impressed stamp at all, but to make the transmission of newspapers through the post depend on a postage stamp, the weight of each newspaper being at the same time limited. If the hon. and learned Member introduced a postage stamp, it became necessary to impose a limit of weight; and then immediately arose the difficult question of how to reconcile the weight for newspapers with the present limit of superficial inches. The limit retained in the Bill was wholly independent of limited weight, and, if the hon. and learned Gentleman introduced a limit of weight to bear some proportion to the superficial limit, it would be the means of producing great confusion and difficulty at the Post Office. On these grounds, combined with the uncertainty of the halfpenny stamp producing the amount of revenue anticipated, he must oppose the proposed amendment.

Mr. MONCKTON MILNES said, he trusted that the Chancellor of the Exchequer, since he admitted the principle of diminishing the revenue for an educational purpose, would consent to diminish it a little more, if necessary, for the purpose of obtaining the educational advantages likely to result from the proposed amendment. Great weight was due to the argument of the hon. and learned Member for Plymouth (Mr. Collier) that the retransmission through the post of the London newspapers, conducted, as they were, with such great ability and containing matter of such great educational importance, should be in every way encouraged. He believed that the law of the United States at the present moment established a differential postage on the transmission of newspapers within certain limits, and the result was that the transmission over the United States of newspapers, conducted with very great ability and at great expense, was prevented, and encouragement to an infinite extent was given to smaller and less carefully conducted newspapers. It was a singular fact that the great agitation on this matter came from the proprietors of provincial newspapers, who thought that they would be benefited by the proposed amendment, and there could be no doubt that the great London newspapers would also be benefited by it. He believed that the advantage of the transmission of such a newspaper as *The Times* at the smallest possible expense could not be overrated. They all had in London the opportunity of having on their breakfast table such papers, conducted with an intellectual power which might compete with that necessary for the highest productions of literature, and if the Chancellor of the Exchequer by any means in his power, even at a small additional sacrifice to the revenue, promoted their larger circulation, he would be serving both the literature and the education of the country. He believed that the practical difficulties of the proposition had been overrated, and he conceived that retransmission by post would not take place except in cases where the newspaper contained something of sufficient interest to create a great demand for it. Therefore, even if there were a temporary loss to the revenue, in that respect the advantage to the country would be very great.

Mr. GLADSTONE said, he agreed with the noble Lord the Member for King's Lynn (Lord Stanley) that the question of retransmission must be dealt with within certain limits and upon grounds which were already established. The privilege of retransmission had reference to the fixed habits of the community, and to part with it suddenly would be an inconvenience; but the hon. Gentleman who had just sat down was so much enamoured with retransmission that he strongly insisted upon its merits. He proposed to give the London newspaper, in some shape or other, an extraordinary right, which smacked very much of their old friend Protection; but he, for one, thought the superior article ought to stand upon its own merits. But if the hon. Gentleman was so much in favour of retransmission, he ought upon that very ground not to vote for the Amendment, but to support the Bill as it stood, because the Amendment virtually proposed to abolish the privilege of retransmission, while the Bill of the Chancellor of the Exchequer proposed to retain it. With respect to the question of price, he agreed with the noble Lord the Member for King's Lynn that it ought to rest entirely with the Executive to determine it; but, said the hon. Member who last addressed them, "You have for educational purposes consented to a diminution of the tax, and it is no very great matter if you consent to a further diminution." But that was not the question before the Committee. True, it was agreed on all hands that no profit should be expected from this source of revenue, but the question was not whether the State should be saddled with a perpetual service for the benefit of that portion of the community who printed and who read newspapers. If they did what the Amendment proposed, it would be practically subsidising the transmission of newspapers at the expense of the State, which was bad in principle; but in his opinion it was totally unnecessary. He knew no reason in the world why literature at large might not claim such a privilege just as well as newspapers; but the real question to be determined was, what was the lowest charge at which the State could undertake the transmission of newspapers without incurring loss. Of course, between large towns newspapers could be transmitted in parcels by railway cheaper than by post, but it was not fair to treat this as a question of competition between the Post Office and private companies. Private companies were at liberty to make such arrangements as best suited their own convenience; they could reject or transmit just as they pleased; but it was quite different with the Post Office, because it had no alternative but to carry for everybody at a fixed scale of charge. The consequence would be then, if the Amendment were adopted, that the railways would carry newspapers in bulk, while the Post Office would have to perform the worst and most unprofitable part of the transmission service. Now, could the Post Office undertake for a halfpenny to perform the most difficult and the most unprofitable portion of the transport, such as carrying newspapers to the greatest distance or into remote and unfrequented quarters? That was a question very much for the Government themselves to determine, but his conviction was that the service could not be performed for a halfpenny. It was easy to say that the loss would be small between a halfpenny and the cost of transport, which might be three farthings; but the loss became no small matter when they came to multiply the farthing by 90,000,000, or by the still larger figures which an increased number of newspapers must necessarily occasion. An average charge must therefore be fixed in reference to that circumstance, and the Chancellor of the Exchequer, knowing all the facts, stated that he could not undertake to perform the service for the remuneration which the hon. and learned Gentleman (Mr. Collier) desired to establish. He had himself considered the question as well as he could, and his conviction was that this rate of a halfpenny would entail on the Post Office a very heavy cost for the benefit of the publishers and readers of newspapers. He had been told that, with the charge made for the early trains from London to Liverpool and Manchester, it did not pay to send down the advertising sheet of *The Times*, and that, while the sheet containing the news was forwarded by the six o'clock train, the advertising sheet was actually retained in London to go by the Post Office train at ten o'clock; so great was the necessity for economising the expense of transport in order to make this early delivery pay. Neither was it found, he believed, that the extra charge made by those who undertook to deliver those newspapers in the towns was ever less than 1*d.* It was difficult, however, to get at any precise *data* with regard to these matters, and for that reason they were not justified now in going below the 1*d.* charge. They ought carefully to examine the ground as they went, and not enter blindly on a course in which, if unsuccessful, they could not retrace their steps. He hoped, therefore, that the Committee would leave it to the Government to look into the subject, to see if they could carry newspapers and other printed matter at a less charge than 1*d.*, and not consent now to burden the State with a heavy charge for a purpose which it was generally felt was not perfectly legitimate or fair towards all classes of the community.

Mr. BARROW said, he did not think it was likely that the Post Office would lose by the transmission of newspapers at a halfpenny, for he was informed that in America a newspaper could travel 3,000 miles for one cent, and certainly they were not the people in America to allow the Post Office to be worked at a loss. The difficulty anticipated by the Chancellor of the Exchequer as to the retransmission would be easily obviated by requiring that the direction should be written across the stamp, or that it should be obliterated in the same way as letter stamps now were; and that when the newspaper was transmitted a second time, a second stamp should be affixed, to be obliterated in like manner, and that, in the absence of such second stamp, a retransmitted newspaper should be charged 1*d.* Neither did he share in the anticipations which had been expressed as to the labour and expense to which the Post Office would be put in delivering newspapers in thinly populated districts; for, of course, they would not be obliged to deliver newspapers except in the districts where they were now obliged to deliver letters.

Mr. MILNER GIBSON said, he apprehended that the proposition to which the Committee was now asked by the hon. and learned Member for Plymouth to accede to was, that the State should undertake to carry periodical publications of any size or any weight for a halfpenny.

Mr. BARROW: The right hon. Gentleman must remember that they were limited in their superfices.

Mr. MILNER GIBSON said, that was not the proposition. As he understood the Amendment, the Post Office was to be required to carry all newspapers or periodical publications without limitation of size or weight. [Mr. Collier said, that would be a matter for future consideration.] A periodical publication was to be carried for a halfpenny, whatever its weight, but a pamphlet would have to be weighed like a letter, and to contribute probably 3*d.*, 4*d.*, or 6*d.* for every transmission. Suppose, for instance, that he were slandered by a periodical publication, was it right that that publication, whatever its size or weight, should be transmitted through the country for a halfpenny, while the printed answer which he might make to that slander, because it was only an occasional publication, would be charged 3*d.* or 4*d.* every time it was transmitted through the post? Therefore, before he could consent to allow these periodical publications to be transmitted for a halfpenny, he must have a clear understanding whether occasional publications of the same weight would be transmitted at the same rate of postage. Justice in competition was quite as important as any other consideration. At the present time pamphlets were being published to defend the characters of Lord Raglan and Sir John Burgoyne against the attacks of the periodical press; but, while the periodical press could circulate and retransmit their attacks without any additional charge for postage, except the original newspaper stamp of 1*d.*, the answers to them, on the contrary, had to pay postage according to letter weight at each transmission. If that were to be the practice, it was not likely that Lord Raglan, as the noble Lord the Member for London had predicted of him, "would rise superior to the slanders of a ribald press;" on the contrary, what he would require would be to be put on a fair footing with it. He should oppose the Amendment of the hon. and learned Member for Plymouth, because he saw that it was merely meant to confer a privilege on a certain class of publications, and that it would not have been asked for had it been quite clear to the applicants that it was to be extended to all publications. It was an attempt to establish for the future a postal privilege in place of the advantages which it was erroneously supposed newspapers had enjoyed under the operation of a compulsory stamp. Knowing that this postal charge could be at any time reduced by a Treasury Order if the Government should think fit so to do, or if the newspaper proprietors could persuade them that it could be done with advantage, he should certainly oppose the introduction of this Amendment into the Bill.

Mr. PHILIPPS said, he hoped the Committees would not consent to try any experiments with the Post Office until they had before them a complete and clear balance-sheet of the profit and loss of the Post Office service. It was stated that the gain in this department was, for the last year, 16,538*l.*; but this did not include the expense of the packet service. In the absence of a clear statement of the expense of the packet service, there would be a general delusion with regard to the clear income derivable from the Post Office. In the statement of the actual income of 1854–55 the Post Office revenue appears as 1,276,000*l.* This sum does not include the expense of the packet service, which, according to a Parliamentary paper just delivered, amounts to 812,826*l.* This does not prove a deficiency, but a very considerable difference between real and imaginary revenue. Persons who have examined the matter carefully are of opinion that if the expense of the packet service had been clearly brought into the account in several years past the Post Office accounts would have presented an actual deficiency.

Amendment *withdrawn.*

Clause *agreed to;* as was also Clause 3.

Clause 4,

Mr. WHITESIDE said, that by Clause 2 of the Bill they subjected periodicals to the same regulations as newspapers, and by Clause 3 those periodicals would be entitled to transmission by post. Clause 4 provided that newspapers should be registered. There was, however, some doubt whether Clauses 4, 5, and 6, were obligatory or not upon all newspapers. If they were not, this inconsistency would exist—that whereas periodical publications would be assimilated to newspapers, and stamped newspapers must register and give security under 6 & 7 *Will.* IV.; on the other hand, newspapers that were not stamped would not be required to be registered, unless the publishers thought fit. Now, what he wanted to know was this—why should stamped newspapers be subjected to compulsory registration and unstamped newspapers be exempted from this condition?

That point, be it observed, had nothing whatever to do with the vexed question as to the definition of a newspaper. The respectable journals which paid the stamp duty were to be subject to the wise and wholesome law that compelled them to declare who were their proprietors, in order that any person whom they libelled might know who was the responsible individual against whom he should proceed to obtain redress, and why, therefore, should those publishers who did not pay this tax, and who might overwhelm the country with penny and halfpenny publications slandering everybody, be wholly released from this salutary restraint, and be, in fact, afforded facilities for the circulation of wholesale libels? It was clear that the wording of the clause required alteration, as there should be but one law applying to all newspapers alike, whether stamped or unstamped, for the purpose of adequately protecting the community.

The CHANCELLOR of the EXCHEQUER said, it was perfectly competent for the Committee to make the alteration which the hon. and learned Gentleman (Mr. Whiteside) proposed; but, if that were done, the object in view must be enforced by penalties, and this measure had been drawn so as to avoid all imposition of penalties. The 7th clause gave the Board of Inland Revenue power to issue stamps, and if any newspaper or periodical desired to enjoy the privilege of transmission by post for 1*d.* it must apply to them in order to be stamped. On this privilege being granted to them, the publishers must comply with the clauses respecting registration and securities. In fact, therefore, the operation of these clauses would be contingent on the receipt of stamps, because the delivery of stamps would be made conditional on compliance with these regulations. The reason why the Bill had been drawn in this manner was, that it was thought every periodical publication or newspaper enjoying any circulation of the least consideration or extent would, for its own interest and the convenience of its customers, apply for the stamping of a portion of its impression, thus voluntarily bringing itself within the scope and operation of these clauses. It was, however, conceivable that a certain number of obscure and unimportant newspapers and periodicals of extremely limited circulation might contrive to exist for a time without stamping any portion of their impression for the sake of the postal facilities which accompanied that process; but that was a very improbable contingency, and there could be little doubt that the Bill as it stood would practically, and without the enforcement of penalties, insure compliance by all newspapers worthy of mention with that system of registration and securities which protected, not the Government or public authorities only, but private individuals, against libellous and slanderous attacks upon character. If, however, it should be thought desirable to insist by means of penalties upon registration, and the giving of securities on the part of all periodical publications without exception, it would be competent for the House to give that extension to the measure; but Her Majesty's Government did not propose to make these provisions compulsory.

Mr. WHITESIDE said, he had prepared a proviso to be added to the clause, if the Committee thought fit, requiring all newspapers, though unstamped, to register and give security under a penalty of 20*l.*

Mr. G. BUTT said, that this Bill would release from the operation of the existing law of registration such publications as did not choose to avail themselves of the postal regulation. It would also sweep away another valuable protection provided by the existing law, which required securities to be given by responsible persons, so that persons who might have to bring actions for slander against newspaper proprietors might not find that they had been proceeding against mere "men of straw." The Chancellor of the Exchequer said that the respectable papers would apply to be stamped, and thus become subject to these wholesome conditions; but he should remember that there was no necessary connection between a mere postal regulation and the registration of publications; and the existing law treated the two things, which rested upon entirely different grounds, as perfectly distinct. The fear of mischief from libellous publications was not so slight as the right hon. Gentleman would have them believe, because it might suit the interest of persons to circulate them in large towns, where they would not care for postal privileges. On what principle, then, could they maintain the existing law against the respectable newspapers, which would least require the check it imposed, while the less respectable class of publications, which would most need the restraint of such a law, would be wholly exempted from its operation, and left to enjoy unrestricted license?

THE CHANCELLOR OF THE EXCHEQUER said, that the hon. and learned Member would observe that the Act to which he referred was limited only to newspapers, and did not apply to all periodicals. Now, the Bill under consideration applied to all periodical publications published within thirty-one days; the hon. and learned Member by his proposal would, however, extend the regulations of this Act to periodical publications not comprised within the original Act. There were a great many publications at a halfpenny and a penny supported by religious societies, which had a large circulation amongst the lower classes; these papers were not transmitted by post, but in monthly parcels, and he did not apprehend that if this Bill passed these publications would seek to avail themselves of the postal privilege, and it would be very hard to bring them under the regulation of a law which was not originally intended to apply to them. By limiting the registration of publications to the cases of those persons who voluntarily sought to avail themselves of the postal privilege the House would apply the Act to all newspapers of importance, and, by the spontaneous operation of the Act, would exempt from it these periodical publications to which it was not intended to apply.

MR. G. BUTT said, that at present all newspapers must be registered, and give security to answer for libels; but the effect of the present Bill would be to enable parties to publish newspapers without availing themselves of the postal regulations, and then they would not be under the necessity of registering and finding security.

LORD STANLEY said, that some hon. Members thought that, because they voted for compulsory registration, they therefore voted for security being given in case of libel, but he did not think so, and was of opinion that the securities required were nugatory as a protection, and simply vexatious to those who had to give them. He wished to draw the distinction between unnecessary security and that which was alone contemplated by the Bill, namely, registration, which simply meant that every person issuing a periodical publication should make a declaration, stating the name of the proprietor. There was nothing in this which could be called an annoyance or a hardship, and he was in favour of the compulsory registration, if necessary, of all periodical publications, but protested against carrying with it that which had nothing to do with it, namely, the question of securities.

MR. WHITESIDE said, he would beg to move, as an Amendment, that the following words should be inserted in the clause—

> "And be it enacted that, after the publishing of this Act, the proprietors of every newspaper or periodical publication shall make and deliver," &c.

The insertion of these words was rendered necessary by the terms of the clause as it at present stood, as by it the registration of all periodicals was not required.

MR. MILNER GIBSON said, he would ask the hon. and learned Member by what machinery he proposed to carry into effect his proposition that every person who published a periodical should register it? They would be obliged, if his Amendment became law, to have officers to go round the country to compel publishers to register. He did not think it would be possible to enforce a general registration without having new machinery, which would be of a vexatious and troublesome character. He believed that registration under the existing Act was entirely neglected, and that if even stamped newspapers were required to comply with all the provisions of the clause requiring registration, the Board of Inland Revenue would have little else to do. He was in favour of tracing authorship, and of bringing home to every responsible person the publication of a calumny, but there was at present a law in force which effected this, as it required that to every paper should be affixed the place of abode and name of the printer, who was obliged, under the Act, to keep a record of his employers, and this he was compelled to produce under order of a justice of the peace. They therefore, he considered, had a sufficient remedy for the evil apprehended, and this attempt to enforce registration was consequently unnecessary.

MR. WHITESIDE said, that no difficulty as to machinery to enforce registration would arise, as under the Act of the 6 & 7 *Wm.* IV., quoted in the Bill before the Committee, this was fully provided for. He objected to the argument used by the right hon. Member who had just addressed them, that because certain persons broke the law which was not enforced, therefore the law should be abolished. The right hon. Member had expressed a strong desire to trace the authorship of libels; but how could this be done unless registration was enforced? If, as the right hon. Member had stated, cheap papers were to spring up on all sides, conducted by men of surprising ability, who would crush the present papers — the old monopolists — he thought, at least, that they ought to be afforded a chance of knowing those who crushed them.

Mr. WARNER said, he thought it was admitted that there was something wrong in the present system of registration; but this, in his opinion, would be rendered much worse by the present clause. Some such amendment as that proposed by the hon. and learned Member for Enniskillen (Mr. Whiteside) was called for; but he could not agree with the hon. and learned Member as to the propriety of enforcing registration by the cumbrous machinery referred to.

Mr. GLADSTONE said, he was in the unfortunate predicament of disliking both the Proposal of his right hon. Friend the Chancellor of the Exchequer and the Amenment of the hon. and learned Gentleman the Member for Enniskillen. They had opposite characteristics and opposite merits. He admitted that the hon. and learned Gentleman's proposal was, in his opinion, more consistent with the uniformity of principle which that House ought to observe in its proceedings than that of the right hon. Gentleman the Chancellor of the Exchequer, but he objected to it because the principle upon which it was founded was a wrong one. The hon. and learned Gentleman required that all periodical publications should be registered, and that certain declarations should be made in regard to them. But what security would be gained by that registration which was not gained by the present law requiring the printer's name to be upon the publication? He had listened in vain for an indication of any such security or practical advantage. It might be true that in cases of libel the publication of the printer's name did not point out the real libeller, but it would be quite as true with respect to any name which might be registered. It appeared to him that the only effect of the Amendment would be to impose unnecessary trouble and vexation upon many persons, and he should therefore say "No" to it. He must also say "No" to the right hon. Gentleman's clause, because it was irrational, and one part of it was not consistent with the other. The present law requiring the registration of all publications which contained discussions upon public affairs was intelligible, and was intended to guard against a particular danger, but his right hon. Friend abandoned that law, and said that his Bill would be effectual in obtaining registration and securities from all respectable periodicals, while non-respectable periodicals would escape. He should have thought that non-respectable periodicals alone were those upon which it was necessary to impose restrictions, and his right hon. Friend, therefore, in one sense included too little, and in another sense too much. The present law took no cognisance of periodicals, but an abusive practice had grown up whereby proprietors of periodicals, not being newspapers, declared them to be newspapers, in order to obtain postal privileges. That absurd anomaly—in some cases it might be called a falsehood — his right hon. Friend was going to adopt and to erect into a principle, by requiring that the proprietors of all periodicals which desired postal privileges, whether newspapers or not, whether they discussed public affairs or not, should register and give securities. He thought the House of Commons ought not to make regulations of that kind, in which it was impossible to trace a reason or a principle. His right hon. Friend's clause would include a vast number of periodicals to which the law of registration and security was never intended to apply; it would include those which it was not important to include, and not those which ought to be included. He was consequently unwilling to be the means of importing so irrational a proposition into the statute book, and should therefore vote against it.

Mr. DISRAELI said, he would not attempt to answer the right hon. Gentleman's objections to the proposal of the Chancellor of the Exchequer, but he thought that the Amendment of his hon. and learned Friend (Mr. Whiteside) was both rational and consistent. Let them see what was the principle involved in that Amendment, and what were the difficulties in the way of its application to practice. The press enjoyed a very great liberty and exercised a very great power; he did not grudge it that liberty and that power, but they had a right to exact from it the responsibility which ought to be the condition upon which all power should be exercised. Now, what was the proposition of his hon. and learned Friend? His hon. and learned Friend proposed that the system of registration which at present partially existed, and which the Government proposed to maintain, should be general instead of partial in its application. That system of registration was connected with no vexatious conditions whatever. All it sought was that the persons who exercised the great power which must be vested in those who conducted the public press in this country should be responsible for the manner in which they exercised it, that society should know who were responsible for the opinions which the press expressed upon public questions, for the criticisms which it offered upon the conduct of public men, and that the power which influenced opinions should be brought to the bar of that opinion which it attempted to regulate. He supposed no gentleman could think such a proposition irrational, or not calculated to be beneficial to the country. But the right hon. Gentleman said that society, by the present law, had that means of redress to which it was entitled, as no publication could be produced unless the printer's name was affixed to it. Every one, however, knew very well that a publication might appear and exercise a great influence affecting the character of an individual, affecting even the course of events at a critical moment, which bore the name, as printer, of an individual who did not even exist. The required effect might be produced in a few hours, or in one hour, by a pamphlet or placard to which an imaginary name was attached, while those who were injured by it had no security or redress. The new law would require the registration of the name of the proprietor of a journal, not names of the authors of articles which appeared in it, nor that of a mere man of straw, but the name of a person whose station was such that redress might be obtained from him by those whom the journal might have injured. He therefore thought that the two right hon. Gentlemen (Mr. Gladstone and Mr. Gibson) had not made any sufficient objections to his hon. and learned Friend's proposal, which was founded upon a broad principle of justice and fairness, requiring that the public should have a simple mode of obtaining redress when they had received an injury. If the principle upon which the proposal was founded were right, was the application of it to practice difficult? He was not called upon in vindicating a principle immediately to find means by which it could be put into practice; but he did not think, judging from our past experience, that the difficulties in the way of doing so were so great as the right hon. Gentleman had intimated. His hon. and learned Friend (Mr. Whiteside) had shown that by the present law the humblest proprietor or publisher could without any great trouble or vexation be made responsible to society. The proprietor and publisher had nothing to do but to make the local authority acquainted with his purpose, so that if he offended, society might have the redress to which it was entitled. He hoped the Committee would feel that his hon. and learned Friend's Amendment tended to secure the enjoyment of the liberty of the press.

Mr. DRUMMOND: Sir, it is said that the Amendment of the hon. and learned Member for Enniskillen will catch some newspapers that do not want to be caught, and others it is not wanted to catch. Sir, I know a newspaper which wanted to be caught. The right hon. Gentleman who has just resumed his seat has spoken of the "liberty of the press." That has been long spoken of. It has been said that it must be "free as the air we breathe; take it away, we die." But, Sir, what is "the liberty of the press?" It is the liberty of a certain number of persons to slander anonymously whomever they please, against whom you have no redress. It is freedom to the anonymous libeller, and slavery to all the rest. The only way to meet this is to prohibit any person from publishing anything anonymously, periodically, or otherwise. Sir, no honest man is ashamed of the sentiments he expresses. You talk in this country, more than in any other, of your "love of fair play," "meeting a man face to face, and a good stand-up fight," &c. Why, where is the fair play of these anonymous libellers? You have—you know it well—a fear of moral assassination. You long to punish the evil-doers, and you are afraid to do so. You know that the only way to do it effectually is to force them to give their names as they do in France. Two years ago it was very much the fashion of Gentlemen on this side to speak of France as a great model. Well, let us imitate France, at all events, in this respect. They have found out a way in France to prevent persons from publishing without putting their names to what they publish. And the law advisers of the Crown could, with a very little exercise of ingenuity, I apprehend, devise a way of securing the same object in this country. As it is, Sir, it is a mere moral Thugge, and I hope means will be found for suppressing this great moral nuisance.

THE CHANCELLOR OF THE EXCHEQUER said, his belief was that the clause would be found practically to work without material inconvenience, and that all those newspapers whose circulation was considerable, and whose influence therefore was felt over a wide circuit of the country, would be drawn into it. He would admit, however, that the effect of the Bill as it was now drawn, while it removed the objection that a false declaration must be made, as now, by persons publishing circulars and periodicals of that kind, and who now enjoyed the benefit of the stamp by making what was, in fact, a false declaration that they published a newspaper—while that would be removed by the Bill as it now stood, at the same time it would introduce another anomaly, namely, that it would subject that class of publications to registration. He had no objection, after the opinions he had heard expressed, if the Committee should prefer it, to postpone the clause relating to registration and securities, and to attempt to limit them to newspapers. The effect of that would be to make this Bill conform more exactly to the object of the original Acts, to except periodical publications generally, and to retain the word "newspaper" in the Bill which it had been an object to omit, on account of the difficulty of putting a precise legal construction upon it. However, he believed, a legal construction could be put upon the word "newspaper," and if the Committee would go on with the remaining clauses, he would consider this clause, and endeavour to give it that effect.

MR. MILNER GIBSON said, he hoped in the year 1855, it would not be thought necessary for the safety of our institutions and of private character to put restraints upon the publication of opinion. Both with respect to suretyship and registration the right hon. Gentleman the Chancellor of the Exchequer might save himself trouble by enforcing the law as it now stood. The Act of Parliament was passed by the late Lord Castlereagh, and was called one of the Six Acts. The preamble stated that—

> "Whereas many papers containing observations upon Public Acts tending to excite the hatred of the public to the constitution of this realm, and also vilifying our holy religion, have lately been published in great numbers, and at a very small price, and it is expedient that the same should be restrained."

It then went on to enact that every person printing or publishing any newspaper or any pamphlet (let hon. Members of that House who wrote pamphlets, but who never gave any security, observe that), or other paper containing any public intelligence or occurrence, or any remarks or observations thereon, or upon any matter in Church or State, which should not exceed two sheets, that is 714 square inches, or should be published for sale at a less price than 6*d.* until he had entered into a recognisance before a Baron of the Exchequer, and found two sufficient securities in 400*l.* in London, and 200*l.* in the country, to be answerable for any blasphemous or seditious libel, should be subject to a penalty of 20*l.* And by an Act of William IV. this was extended to private libel. It was under this Act of 60th *Geo.* III., c. 9., that securities were now taken, and not under the Newspaper Act; and therefore he appealed to the Chancellor of the Exchequer if he would not repeal the 60th *Geo.* III., c. 9. If he would not repeal it, he asked him, above all, as a Minister of the Crown, to do his duty, and to take care that Members of the Government did not violate the law themselves. There never was so flagrant a violation of that law as the letter of the noble Lord the Member for London, (Lord J. Russell) to the Bishop of Durham. That was a pamphlet which commented on matters of Church and State, and which was sold in great numbers at a small price, in respect of which no security had been given, and the publisher of which was liable under the 60th *Geo.* III. c. 9, to forfeit the sum of 20*l.* How large a sum did Lord John Russell owe, in respect of that publication, to the Queen at the present moment ? Unless the right hon. Gentleman the Chancellor of the Exchequer enforced the law against his colleagues, it was only a clap-trap to call upon the House of Commons to re-enact a law already in existence. The extraordinary thing was this, that the late Government of which his right hon. Friend (Mr. Gladstone) was a Member, agreed to abolish these securities ; and that the noble Lord the present Prime Minister was a Member of that Cabinet, and must therefore have agreed to abolish those securities. In point of fact, the majority of that Cabinet formed also a majority of the existing Cabinet ; it was not, therefore, asking too much that they who a few weeks ago were willing to abolish registration and other securities should not now come forward and superfluously re-enact them. He had hoped that when a measure relating to the press of this country was entertained by the Government they would have had a Bill brought in based upon something like a general principle, and reviewing, as it were, the whole of the law concerning the press, so that the public might know what the law upon the press really was. The Bill which was introduced by the late Chancellor of the Exchequer did repeal Acts and parts of Acts which to a very considerable extent had grown obsolete; but by the present measure many of those Acts would remain unrepealed. He had mentioned one of them; he would now refer to another. He found an Act the preamble of which set forth that—

> "Whereas a traitorous conspiracy had long been carried on by persons in this country in conjunction with persons abroad for the purpose of exciting the people and Government of France to overthrow the constitution and Government and everything both civil and ecclesiastical existing in Great Britain and Ireland, be it therefore enacted," &c.:

and then followed some most stringent provisions, for the purpose of putting the whole printing business of the country under the control of the Government; but scarcely in any respect had that Act been enforced, and yet the Government were afraid to repeal it. He must say one word on the absurdity of making the securities contingent upon the publication going through the post. George III., when he enacted securities, was at least rational, whatever might be said of his policy. But the plan now proposed was irrational and ridiculous. The Act of George III. sought for securities in obtaining a control over the printing and the publishing; for those, after all, were the things they had to guard against. It was the printing and the publishing of a libel, and not the mere act of putting it into the post, that should engage the attention of the Legislature. How absurd was it to say that if a man only paid 1*d.* —by a Queen's head, and not by the use of the ordinary newspaper stamp—he might have his libel, or his blasphemy and sedition, carried through the Post Office without giving any security whatever; for that would be the effect of your law. Could anything be more inconsistent with the dignity of Parliament than to be legislating in such a puerile manner? Let all these securities be abolished. They were not consistent with the principles of a free press. Trust to the common law to put down the libellers; but let not the right of any man to put his opinions on

paper be restricted, whether he be wealthy or poor. What sort of law was that which said that a man worth 400*l.* should be at liberty to express his opinion respecting affairs of Church and State, but that a poor man should not be at liberty to give any opinion on public affairs? It appeared to him that so long as there existed a law requiring a property qualification for the expression of opinions, or for the recital of facts on paper, they could not hold out to the world that the people of this country were in the enjoyment of a free press. They talked, indeed, about abolishing a property qualification for Members of Parliament, and for the holders of various offices, but they were afraid to abolish the qualification which entitled a man to express his opinions on paper. He hoped that, while professing a wish to uphold the freedom of the press and to diffuse knowledge among the people, Parliament would not aid in carrying out such an odious class measure as that which said that none but the upper classes of this country should be at liberty to publish a newspaper, a periodical publication, or a pamphlet for the expression of their opinions on public affairs and public men.

MR. F. SCOTT said, he hoped that the right hon. Gentleman the Chancellor of the Exchequer, while he took time to consider the amendment proposed, would not be guided by the remarks which had fallen from the right hon. Gentleman who had just sat down. He confessed that, notwithstanding what the right hon. Gentleman had said about the year 1855 being somewhat too late a period to enter upon the question of securities in connection with the press, it did not appear at all too late to him. He believed that the press would consult its own liberty and its own dignity if it encouraged any act of legislation which should require the registration of the names of those persons who were really responsible for that which was inserted in the journals. There was nothing more objectionable than that a party should be brought forward to be prosecuted for a libel in the press who was not the party really guilty either of writing or of publishing that libel. He thought it would be very much more for the dignity of the press, as well as for the interest of the public, that those who were really responsible should be those whose names should be required by law to be registered.

SIR FREDERIC THESIGER said, he understood that his right hon. Friend the Chancellor of the Exchequer had said that he saw no objection to consider the amendment proposed, but, as there were many important matters which required consideration in reference to these clauses, it was desirable they should be postponed in order to afford his right hon. Friend an opportunity to see whether he could frame them in such a way as would secure to them the approbation of the House. He merely rose for the purpose of suggesting that, as the clauses to which the amendment related were to be postponed, the Committee had better pass on to the other clauses of the Bill.

Amendment *withdrawn.* Clause *postponed.*

Clauses 5 to 7 inclusive were also *postponed.*

Clause 8 to 13 inclusive *agreed to.*

On the question that the Chairman report progress.

Sir HENRY WILLOUGHBY said, he wished to know what was expected to be the loss to the revenue in case this Bill should pass? He made out that the stamp duty on newspapers produced at present about 470,000*l.* per annum; now deducting from that amount the probable postal expences, he should like to have an estimate as to the balance likely to remain to the revenue after the passing of this measure.

The CHANCELLOR of the EXCHEQUER said, that as the stamp in future would not be compulsory, but voluntary, all estimates with reference to the revenue derivable under the new law were necessarily uncertain. He had stated, however, on Friday night, that the opinion of the Government was that the loss to the revenue if the measure should become law, would be about 200,000*l.*

Mr. DISRAELI saw that a notice had been given on the part of the Government of certain clauses of a most important character, namely, in reference to newspaper copyright. Now those clauses had not as yet been brought up, neither had any statement been made respecting them by the Chancellor of the Exchequer. He wished, therefore, to know whether it was intended to proceed with them?

The CHANCELLOR of the EXCHEQUER: I have the clause with me, and if it be the wish of the Committee I am now prepared to move it. I thought, however, that as some of the clauses have been postponed it might not now be convenient to propose a new clause.

Mr. BARROW said, he had understood that the present Bill was not to involve any pains and penalties, but in one of the clauses, referred to by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) there were pains and penalties imposed, and he hoped that that clause would either not be proposed at all, or, if proposed, that full time would be given for its consideration. He thought the practice of printing a clause in this manner to be delivered to Members after they came into the House without an opportunity being afforded to the public at large of seeing it, was inconvenient, and he trusted the Chancellor of the Exchequer would not tarnish his fair fame by adopting a practice that was unfair to the public at large.

The CHANCELLOR of the EXCHEQUER said, it was quite true the clause did contain a penalty, but that penalty was not to be recovered by the Attorney General, but by the proprietor of a newspaper, for the piracy of any matter contained in his newspaper, and that was a matter for the Committee hereafter to consider. With reference to the observation of the hon. Member (Mr. Barrow) it was his belief that the practice adopted by him was of constant occurrence in that House, and that there was nothing unusual, unprecedented, or exceptional in it. He had given notice of the clause three or four days ago; hon. Members had had an opportunity to consider it, and it had also received circulation amongst the public.

Mr. BARROW said, that he did not receive the clause with his Votes, and he did not know any Member who had so received it.

Mr. BRIGHT said, he wished to know from the right hon. Gentleman when he intended to go into Committee again on this Bill? There were some hundreds of persons in a state of agony with regard to the Bill. The proprietors of existing newspapers did not know where they would be next week, and there were other newspapers struggling into life. Great expenses were incurred, and a most important branch of industry would be paralyzed until this Bill should be disposed of.

The CHANCELLOR of the EXCHEQUER: I will fix it for Monday next.

House resumed.

THE ARMY BEFORE SEBASTOPOL COMMITTEE.

Mr. ROEBUCK said, that his name appeared on the paper appended to a notice that the hon. Member for the county of Limerick (Mr. de Vere) be added to the Army before Sebastopol Committee. On consultation, however, with the Committee the result was, that they wished him to state to the House, as a conclusion to which they had unanimously come, that in their opinion it would be better if no further additions were made to the Committee. ("Oh, oh!" and laughter.) He really could not see what there was in that announcement to elicit the laughter of hon. Gentlemen opposite. He could take upon himself to state that the members of the Committee had been extremely sedulous in their attention to business, having only on one occasion failed to make a Committee. As yet there had been no difference of opinion amongst them, and they regarded the discussion which had taken place in that House as tending to injure them in their judicial capacity before the country. They thought that they could best conduct the inquiry without any further addition to their numbers, while, at the same time, they would advantage the public service by putting an end to discussions that interfered with the discharge of their duties. He could only add, that he had mentioned the decision of the Committee to the noble Lord at the head of the Government, and he had acceded to their views; it was, therefore, not his intention to propose any one to fill the place on the Committee vacated by the hon. Member for Carlow (Mr. J. Ball.)

Mr. BENTINCK said, he certainly was not surprised, after the discussion of a former evening, that the hon. and learned Gentleman had thought proper to withdraw his motion. With all respect, however, for the opinion of the Committee, as just enunciated by the hon. and learned Gentleman, he must say he regretted exceedingly that it was not in his power to coincide with it. In making that remark he begged to say that he intended to impugn neither collectively nor individually the conduct of the committee. But having on a former occasion contended—and contended with the concurrence of opinion of at least a large minority in that House—that considering the subjects which were being discussed before the Committee, it was indispensable that at least one Member of it should be connected with the naval profession who might cross-examine closely and efficiently a great number of the witnesses necessarily produced before the Committee—many of whom trying to save their own reputation, would be bent on trying to conceal the truth. Now he would defy even the acuteness of the hon. and learned Gentleman himself to extract the truth from an unwilling witness of that description. He could only express his surprise that the independent advocate of investigation into abuses and mal-administration of affairs at the seat of war should have thought it necessary to refer upon all occasions of doubt for advice to the noble Lord at the head of Her Majesty's Government. He, however, repudiated the principle laid down by the hon. and learned Gentleman; for he contended that the nomination of the Committee ought to rest entirely with the House of Commons, and ought not to be dependent upon arrangements made behind Mr. Speaker's Chair. All such hole-and-corner work was most unseemly and irregular in reference to a subject like that before the Committee. He was informed that up to the present time a very small portion of the inquiry connected with the transport service had been gone into, and he submitted to the House, whether this did not materially strengthen his argument as to the necessity of having upon this Committee a naval officer of experience in that House—and of experience in his profession. Such an officer he now proposed in the person of Captain Gladstone, and he thought the noble Lord opposite, if he systematically persevered to prevent the appointment of the only description of man who could by possibility sift the truth on one important branch of inquiry, would lead the country to believe that the object of the Government was not to promote but to stifle investigation.

Mr. MACARTNEY seconded the motion.

Motion made and Question proposed, "That Captain Gladstone be added to the Committee."

Lord SEYMOUR said, as one of the members of the Committee he rose to state the reasons why he thought there was no necessity for any additional member in the room of the hon. Member for Carlow. They had been inquiring consecutively for a great number of days, they had published a blue book in which there were given 13,000 questions, and they had asked some thousands more questions, and there was a very voluminous appendix. Should any new member be appointed to the Committee, in order to put himself in the same position as the other members it would be but reasonable to require him to go carefully through all those questions and evidence, so as to enable him to go on with the inquiry. In coming to a decision upon the matter, it was most important that no party feelings should be excited. He had not taken part in the discussion in that House with respect to the members to serve on the Committee, nor should he then if he had not been asked to do so. The Committee unanimously agreed that if a new member came in he should make himself acquainted with all the evidence which had already been obtained; and it was evident that even when a member came in after a few hours' absence he had to ask many questions, and the previous examination had to be repeated to him, and thus much time was consumed. Should the House think that all these questions were material, and should they decide to run the risk of having all these questions put again, they must not complain if the inquiry should be thereby protracted. It was the general opinion that the inquiry should be brought to a conclusion in a reasonable time; but should the Committee be forced to go over again the same questions, he could not answer for the period when their decision would be arrived at. He would dislike to divide on a question whether any particular member should be added to the Committee, but the Committee considered that they did not require another member. There were ten members present every day, and no party question had arisen. If the House wished to impair the efficiency of the Committee, nothing could do it more than a party division in the House in respect to it.

Mr. LIDDELL said, he agreed with the noble Lord (Lord Seymour) that this inquiry ought to be brought to a close as speedily as possible. However, the great reason adduced for making no further additions to the Committee was that the new member or members could not have been expected to have made themselves masters of all the evidence. Now he begged to remind the House that that was an argument which might have held quite as good on Friday night, when there was the question of the appointment of the hon. Member for Limerick (Mr. de Vere). It seemed that there had been a kind of agreement in this matter between the Chairman of the Committee and the noble Lord at the head of the Government. He had hitherto considered the hon. and learned Member for Sheffield (Mr. Roebuck) as an independent Member, but after the proceedings of that night he must confess that his faith in him was shaken. He had thought that it was a question of the country against the Government, but now it appeared to be entirely between the Committee and the Government. He deprecated anything like a factious feeling upon this subject. The country wanted a strict and searching inquiry. The Committee had to deal with naval questions, and he should in consequence vote for the appointment of a naval officer.

Mr. DRUMMOND said, he would admit that the argument was equally good on Friday night against the accession of a new member, but it was not the Committee that moved for that accession. The argument of the hon. Gentleman (Mr. Liddell) therefore went against himself. The Committee never asked for the appointment of another member [Mr. Liddell: The Government did.] If the hon. Gentleman thought that he had gone into that Committee with a foregone conclusion of drawing up a bill of indictment against the Government, he had mistaken his man. More factious and dishonourable motives could not be imputed to any man than to say that they had been packed, or that it was intended to pack them, not for the purpose of investigating the truth, but for the purpose of trying a foregone conclusion. Every member who was old enough to have cut his wisdom teeth in that House must be perfectly well aware that no Committee was ever formed without consulting the heads of parties. With regard to the necessity of a naval officer being on the Committee, he did not see the necessity for it, as all the Committee had to inquire into was to ascertain if the naval officers obeyed their orders. At the present stage of the proceedings he certainly thought it would be rather a disadvantage to appoint a new member on the Committee. It was clear that if they were to have a Gentleman on the Committee who knew nothing and who had not read these 14,300 questions which had been asked, the report of the Committee must be delayed a considerable time.

Mr. PACK said, that the House could only judge of the opinion of the Committee on Friday night from the motion which stood in the name of its Chairman, and which proposed the appointment of a new member. He believed that a naval member was wanted on the Committee, and he should therefore support the motion.

Viscount PALMERSTON said, he wished to say a few words in consequence of the way in which the hon. Gentleman the Member for West Norfolk (Mr. Bentinck) had represented the agreement with respect to the appointment of the Committee, totally forgetful of the ordinary course of proceeding in that House. The hon. Gentleman said that the Committee should be appointed by the House and not by the Government; and so it was, for it was the House which appointed the Committee. If the course suggested by the hon. Gentleman were followed, what would be the consequence? The hon. Gentleman wished that when a member desired to appoint a Committee he should without communication with any one, propose a certain list of names. If that were done, there would be a long debate upon every name proposed, and there would be no end to the proceeding. The only method of coming to a conclusion was, that the person who proposed the Committee should consult with the leading Members upon the different sides of the House, and should come to an understanding upon a list of names which should be unobjectionable to any party, and which should yet command the confidence of the House. The course which had been pursued by his hon. and learned Friend (Mr. Roebuck) with regard to the Committee was that which was invariably and necessarily pursued in the appointment of every Committee which was ever named in that House for any useful purpose. In reference to the present question, all that he wished to say was that his hon. and learned Friend had stated to him that evening that the Committee had unanimously come to the decision that they preferred not to have any new member added to the Committee. So far as the Government were concerned, it was a matter of perfect indifference whether a member were added or not; and, moreover, they had not the slightest objection, if a member were to be added, that that member should be a naval officer. He felt, however, that some deference was due to the opinion of the Committee, which appeared to be unanimous; and he should therefore vote with his hon. and learned Friend if the motion went to a division; but he assured the House that it was a matter of perfect indifference to him whether the motion of the hon. Gentleman opposite were carried or not. He was quite sure if the hon. and gallant Member (Captain Gladstone) were appointed that he would discharge his duty with satisfaction to the country.

MR. DISRAELI said, he entirely agreed with the noble Lord in the observations which he had made with respect to the system followed by the House in the mode of appointing Select Committees, and he thought that the Government might very well be acquitted of any sinister purpose in the mode in which they sanctioned the appointment of such Committees; for nothing could be more natural, fair, or convenient, than for a Member on moving a Committee, to place himself in communication with the leaders of different parties in the House, in order to ascertain who would be best qualified to inquire into the particular subject-matter at issue. It was an object of great importance to have upon the Committee the most competent men who could be procured, and persons who possessed the confidence of the country. With regard to himself personally, any influence he had exercised in the appointment of the Committee had been this. He was not consulted in the appointment of the Committee, as he would probably have been, had the Committee been nominated upon that side of the House, but the appointment of the Members of the Committee was left with the hon. and learned Member for Sheffield (Mr. Roebuck), and the noble Lord at the head of the Government. The hon. and learned Member for Sheffield had, however, with great courtesy, done him the honour of asking his opinion upon the nomination of a certain number of Gentlemen to represent the general feelings of Gentlemen who sat upon that side of the House, and who had voted with the hon. and learned Member for Sheffield in favour of the inquiry. In alluding to the matter he wished to remove from the public mind, and from the House generally, any idea that there had been a party feeling with regard to the appointment of the Committee. The only part he had taken upon the subject was this:—The hon. and learned Gentleman asked him to recommend four Members to sit upon the Committee; and, as the names of any Members he might recommend would have to come before the House for their approval, any recommendation which might be considered unjustifiable, or to misrepresent the feelings of the House, could easily have been set aside. The hon. and learned Member for Sheffield had done him (Mr. Disraeli) the honour of placing his name upon the Committee, but particular reasons with regard to the pressure of public business induced him to believe that he was unable to do proper justice to the subject, and therefore he recommended that his right hon. Friend the Member for Droitwich (Sir J. Pakington) should sit upon the Committee in his place. He felt that in making that recommendation he was taking a course which would give satisfaction to a great majority of hon. Members. And who was the second Member whom he had recommended? Having observed that the name of the hon. Member for Aylesbury (Mr. Layard) did not appear among the names proposed either by the Government or by the hon. and learned Member for Sheffield, he thought that the public would not feel satisfied unless the hon. Member for Aylesbury formed part of the Committee, and, as all that was required was an investigation into the subject by those most competent to carry on the inquiry, he said that he should wish to see the name of the hon. Member for Aylesbury upon the Committee. Having proposed these names, he felt that there ought to be upon the Committee both a military and a naval man, and he therefore recommended the names of his hon. and gallant Friend the Member for Wigan (Colonel Lindsay), and his hon. and gallant Friend the Member for Christchurch (Admiral Walcott). The names of these Gentlemen were, however, omitted in the Motion brought before the House, and no naval officer whatever was nominated. A strong feeling being entertained that a Member of the naval profession should occupy a seat in the Committee, he was consulted upon the subject by hon. Gentlemen who sat upon that side of the House, and the name of a Member of the Royal Navy was mentioned, to whom the only objection he could urge was, that from the general arrangement of the Committee, the Government having lost a Member, it might be considered that they were trying to obtain an unfair advantage if they recommended a Gentleman from that side of the House. He therefore had not supported the proposition, but he subsequently supported the nomination of an hon. and gallant Gentleman (Captain Scobell) from the other side of the House. He only went into these details to show that there was no desire whatever to give this Committee a party character, and that the only wish was to have efficient Members serving on it, whose labours should command the confidence of the House and the country. If it could be supposed that they were deviating from the understanding originally entered into with regard to the general balance of party interests in the Committee, he certainly should have avoided voting for any Gentleman at all. But when the noble Lord at the head of the Government sanctioned, the other night, the nomination of a Gentleman whose name was unknown to ninety-nine out of every hundred Members, he should, if he had been present, have expressed an opinion that the noble Lord ought to propose for the adoption of the House the name of a Gentleman better known and of more experience. There could, however, be no question that all parties were now entirely free to take that part with regard to the present vacancy which they thought best calculated to promote the public interests. The noble Lord could not urge that he in fairness ought to recommend an hon. Gentleman to fill the vacancy, for the noble Lord plainly told them that he did not value the appointment, and had no desire to nominate a Member of the Committee. But, though the noble Lord did not value the matter, the question was a serious one for the consideration of the House. Having well weighed the number to be appointed upon the Committee, and the character and talents of the Gentlemen appointed, they ought to hesitate before they gave to the Committee, or to any Minister, the power of diminishing the number of Gentlemen to whom such highly important functions had been delegated. If such a proceeding were allowed, it might be in the power of the Government to reduce the number of the Committee, by giving places to certain of the Members composing it. The noble Lord said, it was a matter of perfect indifference to him whether this or that, or no Gentleman at all, were appointed upon the Committee; but he (Mr. Disraeli) considered that the Members of the Committee were fulfilling some of the most important and responsible duties ever delegated to a Committee, and no Minister of the Crown had a right to use the language which had been used by the noble Lord on the present occasion. The noble Lord had spoken of the Committee with contempt. ["No, no!"] Had not the noble Lord said, within the last few minutes, that it was of no consequence who the particular individual was who should occupy the vacant post, or whether any Member at all was added to the Committee? Were not the Members of the Committee performing judicial functions? In the opinion of the people of England, they were fulfilling more important duties than had been fulfilled for many a long year; and was the House of Commons to be told that it was a matter of no importance to the First Minister of the Crown whether a particular individual was chosen, and that, in point of fact, it was an insignificant matter whether the number should be kept up or not? He might as well say it was a matter of insignificance whether the number of the Judges should be kept up, for the present inquiry, so far from being a matter of indifference, was a subject of the highest importance. The gravest duty they could fulfil was to appoint a competent and worthy Member of that Committee in lieu of that Gentleman who, by the agency of the Minister himself, had left that solemn tribunal, on whose verdict more perhaps depended than either the House or the country had yet taught themselves to believe. It was, therefore, of the highest consequence that they should take care not only that the number should be complete, but that the Members of the Committee should be competent. The remaining question, was, whether there ought not to have been upon this Committee to inquire into the state of the army before Sebastopol, a Member of the House who was also a Member of the naval profession. If such a man had been proposed from the other side of the House, he would have supported him in preference to any Gentleman who sat upon the benches near him, for the very reason which had been thrown into their teeth—that they ought not to admit the imputation of party feeling in the appointment of the Committee. He did not think it fair to impute any such feeling to his hon. Friend (Mr. Bentinck), who had shown by his Motion that he did not seek to infuse party spirit into its composition. They had not succeeded in appointing a zealous supporter of the Minister, and an able and gallant officer, and why? Because the noble Lord at the head of the Government opposed it. The noble Lord had shown his respect for his supporters by refusing to grant the fulfilment of their wishes, and now he said it was a matter of indifference to him who was appointed, or whether any one was appointed at all. It was much to be regretted he did not express that sentiment on Friday night; he would have saved a world of discussion, for the noble Lord might then have listened to the suggestion of his (Mr. Disraeli's) hon. Friend (Mr. Bentinck), who had now proposed an hon. and gallant Gentleman, who was not a partisan, but who was a relative of a right hon. Gentleman who was Minister when some of the most important transactions to be inquired into occurred, and who, though not now a Minister, was still responsible to the Parliament. This was not a proposal to be tortured and perverted by the ingenuity of rhetoric into a party movement; on the contrary, it was one that was recommended to the House by the most weighty reasons; it was one most conducive to the public service, and would bring the intelligence and experience of a man of character, ability, and professional knowledge to bear upon the question. He did hope that his hon. Friend who had with so much perseverance, in the face of great difficulties, brought this question again before the House, would triumph to-night, and that they would appoint upon the Committee on the army before Sebastopol, a man able to go into the whole question connected with the transport of our troops and stores to the seat of war.

Sir GEORGE GREY said, he thought that the right hon. Gentleman the Member for Buckinghamshire might have spared upon this occasion much of his vehement rhetoric. The right hon. Gentleman, referring to the answer given by his noble Friend (Viscount Palmerston) to the hon. Member for West Norfolk (Mr. Bentinck), had, after fairly stating the principles upon which a Committee ought to be constituted, endeavoured, by misrepresentation, to lead the House and the public to suppose that his noble Friend had spoken with levity of the Committee and expressed his indifference to its composition. He (Sir G. Grey) could only say that nothing could be further from the truth. His noble Friend, in speaking with reference to the particular vacancy occasioned by the appointment of his hon. Friend the Under-Secretary of the Colonies, had, in answer to the reproach cast on the Government by the hon. Member for West Norfolk, that he had entered into a compact with the hon. and learned Member for Sheffield to conceal something that ought to be inquired into, said that he was perfectly indifferent to the Committee in that sense, and that his only wish was that it should be conducted in the manner which would best attain its object. But the right hon. Gentleman, not satisfied with sneering at the noble Lord, attacked the Committee itself, and denounced it as unparliamentary, because, in a unanimous

Resolution, it had determined that, in the present advanced stage of the inquiry, which was of a judicial character, it did not think it would add to its efficiency or be consistent with its objects that a new member should be appointed. The right hon. Gentleman the Member for Droitwich (Sir J. Pakington) was a member of that Committee, and agreed, as he (Sir G. Grey) understood, to that Resolution, and now the right hon. Gentleman the Member for Buckinghamshire, who told them he was not animated by party feeling, though he could not help thinking the matter originated in party feeling, denounced the conduct of the noble Lord, and intimated that the proceeding of the Committee in agreeing to such a Resolution was not altogether satisfactory. He (Sir G. Grey) repeated that the Government had nothing to conceal in this matter, their object being only that the inquiry should be fully and fairly conducted, and he still thought, in deference to the Committee, who ought to be the best judges of the matter, that it was most undesirable to add a new member at this stage of the inquiry, though personally he had not the slightest objection to the appointment of the hon. and gallant Member for Devizes (Captain Gladstone).

Mr. WHITESIDE said, the right hon. Baronet who had last addressed them appeared offended because his (Mr. Whiteside's) right hon. Friend (Mr. Disraeli) had spoken his mind plainly on the subject, the importance of which no one could deny. They all knew that the noble Lord at the head of the Government struggled with the greatest ability against the appointment of the Committee itself, afterwards that he took an active part in the choice of the members, rejecting some and suggesting others; and yet the House were to be told that it was quite constitutional for a Minister to create a number of placemen, and reduce the Committee by taking away its members. The same principle might induce him to take away two, three, or four. The noble Lord had prevented the hon. Member for Carlow (Mr. J. Ball) from hearing the whole of the evidence and giving a judgment on it, and now he said no other member should be appointed on the Committee, because he would not have heard that evidence. He (Mr. Whiteside) always listened to the noble Lord with admiration, but sometimes with regret. The noble Lord had opposed the appointment of the hon. and gallant officer (Captain Scobell) because he thought it desirable that there should be an Irish Representative on the Committee, and now he proceeded to remove from it the very member who represented Ireland. The blood of his countrymen had been lavishly shed in the Crimea, and the inquiry into the cause of the calamities that had occurred was one of great importance. The noble Lord said, however, that, as the House of Commons did not choose to appoint an Irishman on the Committee, they ought not to appoint any member—English, Irish, or Scotch. He thought the inconsistency of the noble Lord was most evident. He (Mr. Whiteside) had heard that the affair had been arranged and managed, and that the noble Lord, finding that public opinion was adverse to his conduct on Friday night—that public opinion having previously shattered the Government of which he was a member upon this very question—endeavoured to get out of the difficulty by saying that it was not a matter of the least consequence to him whether a naval man who on Friday was so unfit to be appointed should be placed on the Committee, or whether an Irishman, whom on Friday he thought so fit for the position, should be appointed. He (Mr. Whiteside) hoped the House would maintain the Committee in its integrity and independence, and, for his own part, he did not think they could select a more worthy, a more competent, or a better qualified man to serve upon it than the Gentleman whose name had been proposed by the hon. Member (Mr. Bentinck).

Mr. ROEBUCK said, that, as some imputations had been thrown upon him, he hoped he might be allowed to trouble the House with a very short explanation. Although he might subject himself to further imputations by the statement he was about to make, he thought it due to the noble Lord at the head of the Government to say, that he had nothing whatever to do with the recommendation of the Committee. That recommendation was made, if he recollected rightly, by the right hon. Member for Droitwich (Sir J. Pakington); and when the noble Lord (Viscount Palmerston) came down to the House that evening, he (Mr. Roebuck) communicated to him the opinion of the Committee. The violent harangues of hon. and right hon. Gentlemen opposite were, therefore, altogether unfounded, for he had never consulted with the noble Lord on the subject. The right hon. Member for Droitwich had proposed that he (Mr. Roebuck) should be commissioned on the part of the Committee to state their opinion to the noble Lord, and he did so when he saw the noble Lord in the House. The hon. Member for South Northumberland (Mr. Liddell) had said that up to that time he had regarded him (Mr. Roebuck) as an independent Member of the House. The hon. Member insinuated that he (Mr. Roebuck) was in that painful position of having his confidence withdrawn from him. He could assure the hon. Member for South Northumberland that that painful position he would endeavour to bear. He thought this was a matter entirely for the judgment of the House. The Committee had hitherto done what they conceived to be their duty; if he knew anything of the members of the Committee he was satisfied they would continue to do their duty; but if the House thought fit to add to the Committee an hon. Member who was the brother of one of the parties accused, although he might think it a singular decision, he could have no objection to the proceeding.

Mr. MAGUIRE said, he thought the country would have some difficulty in understanding why it was that the hon. and learned Gentleman the Chairman of the Committee came down on Friday ready to sanction the prospective appointment of the hon. Member for Limerick (Mr. de Vere) as a member of the Committee, while he stated to-night that the Committee were averse to the addition of any new member. He thought the country would be unable to understand the indifference of the noble Lord (Viscount Palmerston) on this subject to-night, and his great anxiety on Friday night to have Ireland represented on the Committee. If the Government were ready now to assent to the appointment of a naval officer upon the Committee, how was it that they so strenuously resisted such an appointment on Friday? The noble Lord's anxiety to have an Irishman on the Committee seemed to have entirely evaporated, and, with his characteristic jauntiness, he expressed his perfect indifference whether Ireland was represented on the Committee or not. The Committee had yet to inquire into very important matters. They had not only to ascertain what was the condition of our army in January, but what was its condition at the present time; what the new Whig Ministers had effected for its improvement; what had been done by Lord Panmure to increase the number of bayonets, the force of cavalry, or the efficiency of the transport service. He thought the noble Lord at the head of the War Department ought to be called before the Committee to satisfy them whether the country had really gained anything by the change of Ministry. He considered that such an inquiry should not be prosecuted by men who were placed upon the Committee by the Government, or who expected favours from the Government. He voted on Friday against the appointment of the hon. Member for Limerick, as he had done against that of the hon. Member for Carlow (Mr. J. Ball), because he anticipated what would happen. He knew what was the goal to which the hon. Member for Carlow was looking. He knew the hon. Gentleman was just the man whose services would be valuable to the Government, and that they would show their gratitude to him on the first fitting occasion. As an Irish Member, he (Mr. Maguire) must express his regret at the utter indifference which the noble Lord had manifested to-night with respect to the representation of Ireland on the Committee.

Mr. BENTINCK, in reply, said, that the noble Lord, in alluding to the remarks he (Mr. Bentinck) had made as to the manner in which the Committee had been formed, seemed to forget that he had distinctly stated that, however the custom of the House might apply with advantage under ordinary circumstances, he considered that the circumstances under which this Committee was appointed were so exceptional, that what might be a good rule in other cases might, in this instance, be objectionable. The noble Lord had stated that he was quite indifferent whether the hon. and gallant Member whose name had been proposed was appointed a member of the Committee or not. The greater part of the inquiry respecting the transport service was yet to take place, and, therefore, the necessity for a naval officer on the Committee was as great as at the commencement.

The House was about to divide, when

Mr. ROEBUCK rose, and said, he had no wish to divide the House.

Viscount PALMERSTON said, if the Chairman of the Committee had no objection to the Motion, he had none either. Thus far he was ready to show the extent of his indifference.

Question put, and *agreed to.*

The House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, April 24, 1855.

MINUTE.] PUBLIC BILL.—3^a Convention with Sardinia.

THE CONFERENCES AT VIENNA.

THE EARL OF MALMESBURY: My Lords, I last night gave notice to my noble Friend the Secretary for Foreign Affairs, that I should this evening put some questions to him with regard to the state of the negotiations which have been hitherto going on at Vienna. My noble Friend, I am sure, will give not only myself, but every Member of this House, credit for having abstained for a considerable period from embarrassing Her Majesty's Government by any questions relating to this subject, inasmuch as I am sure we all felt the immense importance of the measures which were proceeding, and all indulged in an earnest hope that they might be concluded by an honourable and lasting peace. But, my Lords, yesterday the impression upon the public mind was that all hope in that respect had ceased, that the negotiations were broken off, and that we were now threatened with a campaign for a second time against Russia. It is my wish, therefore, to ask those questions of the noble Earl which I think are not premature; and, indeed, I find that in another place I have been anticipated by a Member of Parliament, and that the Prime Minister has announced to the House of Commons what the state of the negotiations now is. It appears by a statement made by Lord Palmerston in the other House—if I may be allowed to refer to it—that there is no longer any hope that Russia will be induced to accept certain propositions which have been made by the Western Powers, and which, as I understand, were supported by Austria. It appears from his statement, that the Western Powers, supported by Austria, proposed to negotiate on the Four Points, which your Lordships will recollect were laid down as long ago, I believe, as the 8th of August, as the basis of negotiations for procuring peace. Your Lordships will recollect that the Four Points were founded upon the following principles: The first related to the protectorate of the provinces of Wallachia and Moldavia. It was insisted upon by the Western Powers that there should be a protectorate of those provinces by the Five Powers instead of by Russia alone as heretofore. The second point was that which related to the freedom of the Danube; and the third, as explained by my noble Friend opposite and the French Minister (M. Drouyn de Lhuys), was intended to reduce the preponderance of Russia in the Black Sea. The fourth and last point involved the principle of the protection of the Christian religion and the Christians in the Ottoman Empire, by a general protectorate of the Five Powers, which should Preserve them from all interference by the Government with their religious privileges. I naturally conclude, though I do not know it to be the fact, that at Vienna the Conference began with the first point; and I will ask my noble Friend whether Russia, entering into the views of the Western Powers and of Austria, in respect to that point, agreed to it? I would also ask whether, in regard to the second point, concerning the freedom of the Danube, my noble Friend met with any difficulties on that from Russia? I understand from the speech of the Prime Minister, to which I alluded, that it was on the third point that the negotiations were broken off. It appears from the noble Lord's statement, as reported, that the propositions made to Russia consisted of two alternatives—that the Plenipotentiaries of England, France, Austria, and Turkey proposed to the representative of Russia that the mode of reducing the preponderance in the Black Sea should be either that the amount of the Russian naval force in the Black Sea should henceforth be limited by treaty, or that the Black Sea should be declared an entirely neutral sea, and all ships of war should be excluded from it, so that it should be a sea of commerce only. Those are the two alternatives which were offered to the Russian Government, and Russia refused both, and made no counter-propositions whatever. Now, the propositions having been made and refused, we are unavoidably involved in what may perhaps be a war for many years. But I must be allowed to say that, though I deeply regret that some means have not been found for insuring an honourable and lasting peace for this country, that regret is very much diminished when I look at the terms of the proposition, such as they have been represented. With respect to the second alternative—that of making the Black Sea a sea of general neutrality without any armed vessels in it, except such as are necessary to guard commerce from pirates, that is, perhaps, a proposition of rather too Utopian a view, but still it is preferable, and has a better chance of success with respect to our wishes hereafter than the first alternative. I cannot conceive that the first alternative proceeded either from my noble Friend opposite or the noble Lord at the head of Her Majesty's Government. I cannot but think that it was an Austrian proposition. That alternative recommended a limitation of the Russian fleet in the Black Sea. If that proposition were made simply and nakedly, as stated in the course of my noble Friend's speech, I cannot understand what possible guarantee we could have had for the observance of that arrangement. If it had been accompanied by a proposition that each of the Five Powers should have a certain limited number of ships in the Black Sea as well as Russia, then I can conceive that the treaty might have proved effective; but I cannot conceive any material guarantee which my noble Friend could have for the continuance of the peace or the observance of the treaty. Even supposing that we limited by treaty the number of vessels which Russia should have at Sebastopol and other ports in the Black Sea, does any one believe that Russia would in the course of a few years abide by the restriction, or refrain from increasing the number of her line-of-battle ships to which she was limited? She would gradually and surely exceed that number; and if our Consuls reported either to the French Government, their own Government, or to the other protective Powers that there was such a breach of the treaty, do you believe that after a few years the country would consider it a *casus belli?* I do not believe it would; and, therefore, I think you would have no security whatever for the observance of the treaty. It is not on bare suspicion that I say this. Look at the former conduct of Russia with respect to the Danube, the throwing open of the mouths of which was secured by an analogous treaty. But this country did not make the breach of that treaty by her a *casus belli.* Therefore, so far as these propositions have been made, if they have been made in the naked form represented, without any other conditions attached, I see no reason to regret that Russia did not accept them. I do not enter into the question whether the preponderance of Russia ought or not to be diminished; but I say that eventually it would not have been diminished if she had acceded to this proposition. There is another question which I should like to ask my noble Friend. On the 8th of August, when the Four Points were laid down, Prussia was to be one of the protecting Powers for the provinces of Wallachia and Moldavia. Now, my Lords, considering what the conduct of Prussia has been, which your Lordships heard so well described by my noble and learned Friend behind me (Lord Lyndhurst), the other night, I should like to ask my noble Friend at the head of Foreign Affairs, whether it is now contemplated that Prussia should be included as one of the protecting Powers of the provinces? Because, considering the *animus* which Prussia has shown during the whole of these important events, it seems clear that, whenever those provinces might find fault with an oppressor, we should be sure to have the vote of Prussia against us. I beg, therefore, to ask my noble Friend whether it is intended that Prussia shall be one of the protective Powers of the Danubian provinces? I think also, my Lords, I am justified in asking my noble Friend whether he does not propose to lay before the House, as soon as possible, much more extended information than he is likely to give in answer to my questions this evening? Your Lordships will recollect that we have had no official correspondence placed before us since the beginning of 1853; neither have we received from my noble Friend any positive information as to the state of the negotiations which have been going on. We have abstained from asking questions on the subject, and he has abstained, with proper official reserve, from laying on the table any documentary evidence as to what has taken place. I think the country has a right to know, now that these negotiations have ceased, and we are going to enter into an expensive, and probably protracted campaign, exactly what we are going to fight for, and what the Government consider the *sine qua non* in return for the expenditure of so much blood and treasure?

The Earl of CLARENDON: My Lords, I fully admit—and I beg to offer my best acknowledgments, not only to my noble friend, but to your Lordships generally, for the forbearance to which my noble friend has alluded, and the desire manifested not to interfere with the negotiations that have been going on for some time past with a view to the establishment of an honourable and lasting peace. I am perfectly ready to admit that my noble friend is by no means premature in asking for the information which he has this night sought. Indeed, had my noble friend not put the question he has, I should have felt it my duty to state to the House the condition at which these negotiations have now arrived. It is perfectly true that the conferences have been adjourned *sine die* in consequence of the rejection by the Russian plenipotentiary of the proposition for restricting the Russian fleet within the Black Sea within limits which were thought consistent with the safety of Turkey, and also for rendering that sea a neutral sea and one for commercial purposes only. My noble friend has thought right to state, and he has stated to your Lordships correctly, the character of the four points which were the basis of these negotiations. These points were frankly, as was said, accepted by the Russian Government, and the third point contained a proposition for limiting the preponderance of Russia in the Black Sea. My noble friend is also right in his assumption that these points were discussed in the order in which he has described them—that to the first and second points Russia acceded, and that they were finally determined. When the third point came under discussion the representatives of the Allied Powers, in order to prove that they had no wish to humiliate Russia, but, on the contrary, desired to consult her dignity, proposed to the Russian representatives themselves to take the initiative as to the means by which they would give effect to the principle of that proposition. The Russian plenipotentiaries acknowledged the courtesy of the proceeding, but asked for time to refer to their Government. That time was given, but in the meanwhile, and for obvious reasons, we declined to go on with the discussion of the fourth point which it was proposed to us that we should do. The answer from St. Petersburg arrived, and it was that the Russian Government had no proposition to make. The allied representatives on the following day brought forward their proposals, and the Russian plenipotentiaries asked forty-eight hours to consider them. That time was also given, and on Saturday last they absolutely rejected the proposals both as to limitation in, and exclusion from, the Black Sea. Whether that rejection of the proposals by the Russian plenipotentiaries was justified by argument I am unable to say, because this meeting took place only on Saturday last, and as we have information of the fact simply by the telegraph, that is all the information we can give at the present moment, except that my noble friend Lord John Russell left Vienna yesterday. With respect to the other point to which my noble friend has alluded—namely, the position which Prussia has occupied in the course of these negotiations, I can only say that the position which Prussia has occupied snce the time to which he referred, and which she continues to occupy, entirely excluded her from the Conference, and therefore from all the arrangements that might have been made. With respect to other points to which my noble friend has referred, as to the consequences, for example, that might be expected from the limitation of the power of Russia in the Black Sea, and the maner in which Russia would be bound by stipulations, I think that at this moment it would not be convenient to refer to them, nor until your Lordships are fully in possession of all the information to which you are entitled, and which, I assure you, the Government will be most ready to furnish.

The Earl of HARDWICKE said, there was one point on which the noble Earl had not given the House any information—he meant as to the position in which Austria was placed at the present moment. She was placed very much in the position of parties in the other House occasionally, who were ready to play the game either on one side or the other as circumstances might dictate. Her position was, indeed, one of great eminence, dignity, and power having placed herself in possession of two great provinces, with her armies on the frontier of Russia, and in which she might hold language that would enable her to receive the support of France as against Russia on the one side and the support of Russia as against France and England on the other. The country was looking with the deepest anxiety to this point, and he should be glad to know what information the Government now had with respect to the prospects of the war in connection with the part to be played by that great and important Power?

The Earl of CLARENDON: I am afraid I cannot give a very distinct answer to the question which my noble friend has put. Your Lordships are well aware of what are the terms of the treaty to which Austria agreed on the 2nd of December last with Her Majesty's Government and the Government of the Emperor of the French, and I have no reason to think that Austria will depart from the terms of that agreement. I can only say that on Friday last, Austria appears to have held precisely the same language as the representatives of England, France, and Turkey to the Russian plenipotentiaries, and your Lordships will remember that it is only on peace not being made on the bases laid down in the treaty that Austria is to be called on to concert measures for carrying those stipulations into execution. That time has not yet arrived, and therefore it is quite impossible for me to say what precise course Austria will take.

CAMBRIDGE UNIVERSITY BILL.

Order of the Day for the House to be put into Committee read.

The LORD CHANCELLOR said, he would remind their Lordships that when he proposed the second reading of this Bill he had agreed, upon the suggestion of his noble Friend the High Steward of the University of Cambridge (Lord Lyndhurst) that the discussion on the principle of the measure should be taken at this stage. Upon the present occasion, therefore, he would lay before their Lordships some of the more prominent features of the measure, and would state what alterations he intended to make in conformity with suggestions he had received, after which he would move that the House should go into Committee *pro forma*, in order that the Bill might be reprinted. He need scarcely tell their Lordships that the present measure was the result of a Royal Commission issued in the year 1850 to inquire into the discipline, education, and generally into the condition of the University of Cambridge, a similar Commission having been issued with respect to the sister University. The Commissioners made their Report on the 31st of August, 1852; and it was very satisfactory to him to think that in legislating on the present occasion, their Lordships would not have to deal with an unwilling body, but with a body that, in truth, was anxious for their Lordships to confer upon it what they considered the privilege of this legislation. Indeed, if the Bill contained anything offensive to the University it would be an exceedingly ill-deserved return for the exertions which the Report showed it had made during the last half century. Whatever might be the opinion in other respects regarding that learned body—either as regarded its constitution or other matters—it was perfectly impossible for anybody to rise from the perusal of the Report without being satisfied that the University had been most anxious and industrious in its endeavours to fulfil the great objects for which such institutions were designed. It was now far into half a century since he had himself had the honour of being a student at Cambridge, and from that time very great exertions had been made to improve the character of the studies. At that time the University course, as contra-distinguished from the collegiate studies, was made up solely of mathematics. He did not regret that, for he thought that it was most important that such a prominence should be given to mathematical studies; but thirty years ago the authorities, feeling that this was too confined a course, resolved to admit the classics into the cycle of the University studies; and—not confining their honours to those who had distinguished themselves in the mathematical tripos—they also instituted an examination, and conferred honours upon those who should distinguish themselves in classics. As society advanced, however, and as the appetite for knowledge became more diffused, even that enlarged course was felt to be still too restricted; and accordingly within the last five or six years, other branches of learning of a very extended character had been introduced as University studies. Those, therefore, that did not seek for distinction in the higher mathematical or classical rolls of honour were obliged to select either what was called the moral sciences tripos, or the physical sciences tripos. The physical sciences, chemistry, mineralogy, geology, botany, and many others, had been encouraged in the University, and it was still under discussion among themselves whether these could not be further extended. It was almost a doubt with him whether they were not doing too much, rather than too little. He did not propose to dilate on this subject—he was sure that those who had looked at the evidence would see that he was not overstating his case. His Lordship then quoted a passage from the Report of the Commissioners, stating that the University had shown great willingness to enlarge the *curriculum* of studies, as far as the rigidity of their Statutes would permit, and had been liberal in the administration of their funds, not husbanding them parsimoniously, but bestowing them on objects of great academical importance. A Committee had been also appointed by the Senate some time before the issuing of the Royal Commission, to revise the laws of the University. In legislating on the subject of the University of Cambridge, therefore, it was their bounden duty to consider the sort of body they were going to legislate for; and they should repose confidence in them, because it would be seen from the high testimony borne to the authorities of the University by the Cambridge Commissioners of Inquiry, that they were persons to whom the discharge of their important duties might be safely intrusted. He would now state what it was that he proposed to do by this Bill, stating first what he did not ask their Lordships to interfere with. He thought it would be monstrous to ask their Lordships to attempt to carry into effect all the recommendations of the Commissioners — especially in regard to the studies and discipline. The study and discipline of the University were matters which must be left to be regulated by the University authorities, for it was impossible for the Legislature to interfere safely in such matters. What he proposed that the Legislature should do was to put the University in such a position that they could do all for themselves, which their conduct showed they had been anxious to do, but which their Statutes did not permit them to do. The first matter that would suggest itself to every one was, that inasmuch as in the last Session of Parliament a measure was passed to reform the University of Oxford, that measure should serve for the most part as an example for a measure in relation to the University of Cambridge. To some extent that ought to be so. He thought the kind of reformation that was introduced at Oxford was the kind of reformation that should be introduced at Cambridge; that was to say, the Legislature should constitute a Board of persons likely to be conversant with the subject, and should give to the University and to the Colleges power to do that which of themselves they could not now do, obtaining the sanction of this Board, and afterwards that of the Queen in Council; and if the University neglected to do that in a year and a half which the Board thought ought to be done, then regulations would be made by the Board alone. Accordingly, the first clauses of the Bill provided for the appointment of seven Commissioners, as in the Oxford Bill. The names of six of these he could now state, but he was not in a position to name the seventh. They were the Earl of Burlington, Lord Monteagle, the Bishop of Chester, Baron Alderson, Professor Sedgwick, and a Gentleman who was distinguished at Cambridge, the Clerk now sitting at their table, Mr. John Lefevre. The next question was, as to what was to be the form and constitution of the governing body of the University. In considering this, they must not lose sight of the fact, that the object of the University was not legislation. Its object would be entirely defeated if it was to be continually engaged in making laws for itself. But what was important was, that there should be a body of persons appointed to promote the interest of the University including the interest of the public, and who should from time to time be enabled to consider and give their sanction to measures; and those measures being submitted to the Senate, that the Senate might make laws or graces as they were called, which from time to time the interest of the University might seem to require. The latter body was at present inconveniently constituted for any useful purpose. In Cambridge the governing body was the *Caput Senatus*, which from its composition was most eminently obstructive. The constitution of that body at present was this: the Vice Chancellor named three doctors, one from each faculty, law, physic, and divinity, and also one master of arts of five years' standing, and one under five years' standing. Each proctor did the same thing, so that there were three doctors of law, three doctors of medicine, three doctors of divinity, three masters of arts of five years' standing, and three of less than five years' standing, and then out of these persons so named, the Vice Chancellor and heads of houses selected one of each class, who with the Vice Chancellor formed the Caput; so that the Caput consisted of the Vice Chancellor, of three doctors, one of each faculty, and two masters of arts, all substantially nominated by the Vice Chancellor and the heads of houses. Their functions were defined by the University Statutes; and according to the statute of the 47th of Elizabeth, nothing could be proposed by way of amendment of the law, unless it met with the approbation of every member of the Senate, that was to say, unless it met with the approbation of the Vice Chancellor. It was not his present purpose to inquire whether the powers thus given had ever been abused or not; but their Lordships would admit that, in legislating on this subject, to leave the council of the University thus constituted would be most discreditable. Then the question arose, how was the new Council to be constituted? The Bill did not propose that a new Council should be constituted in the same manner as the Act of last year constituted the new Council at Oxford. The Convocation at Oxford answered to the Senate at Cambridge; that was, all the masters of arts who retained their names on the books were members of the Senate. The Convocation at Oxford was just the same; but at Oxford there had been known, in former times —he believed it had of late fallen into desuetude—a body called the Congregation, that was to say, a portion of the Convocation who were resident in the University, and the Council was elected by the Congregation. He had thought the best mode of constituting the new Council at Cambridge was to constitute it in the same manner as that at Oxford; but, in the first place, they had not at Cambridge any such body as the Congregation. One of two things, therefore must be done, if it was to be elected like the Council at Oxford—either they must begin by first constituting a constituency that was at present unknown, or the election should be by the Senate at large. Now he could not conceive anything less calculated than a general election by the Senate to secure the only object which there ought to be in electing such a body, namely, due attention to academical improvement; on the contrary, he feared there would be a contest to see who could get the most friends to vote for them. Another reason for proposing a different plan was the great preponderance of two colleges at Cambridge over the rest. He found on inquiry that most of their Lordships who had been at the University had been at Oxford and not at Cambridge. Those who had been at Cambridge would know that it was absurd to look at any election to other than two colleges. The Senate of Cambridge consisted in round numbers of not quite 4,500 members. Of these above 1,500 were members of Trinity, and nearly 900 of St. John's. The two together had a great majority over all the rest. He could not of his own recollection name any person who for the last thirty years had been returned to the House of Commons as member for the University of Cambridge, who had not been a member either of Trinity, or of St. John's. There was another reason why this was not the best mode that could be proposed of constituting a managing body to the University. He had stated that in the year 1850 a Commission was issued to inquire into this University. About a year previous, the University itself had constituted a Syndicate, as it was called—a committee to inquire into the best modes of reforming its Statutes. That committee recommended that instead of the *Caput Senatus*, nominated as it was now, the heads of houses should appoint three members, that the doctors should appoint three, the professors three, and that there should be nominated three non-regent masters of arts, and three regent masters of arts. He had already stated that two colleges had an enormous preponderance, and in order to avoid that influence in the nomination it was proposed that the colleges should have the nomination in turn, according to a cycle constituted by the statute of Elizabeth, called the Statute of Proctors. He thought there should be an intervening body, a sort of filtration, as it were, between the members of the University, and the governing body, and the Syndicate proposed that such a body should be constituted. They proposed three heads of houses, three doctors, three professors, three senior and three junior masters of arts. He had adopted that system with some modification. He had left out the doctors as a class altogether, as they were already practically included in the heads of houses resident in the University. He took four from the heads of houses, four from the professors, four from the senior and four from the junior masters of arts, making sixteen in all. His opinion in favour of this plan had been strengthened by the report of the Commission to which he had referred; he must, however, state that he was surprised yesterday at receiving a communication, just as he was about to take his seat on the woolsack, signed by four of the Commissioners, the substance of which was that they did not think that the expressions made use of in the report authorised him in the proceedings he had taken; but he must also say that he had communicated with others on the subject, and he considered that the measure he was introducing was calculated to meet the views of the Commissioners. When the Commissioners said that they hoped the plan proposed by the Syndicate would soon receive the sanction of the Senate, he certainly thought that that was sufficient indication of their approbation. After their Report was made a petition finding fault with it, signed by forty-three members of the Senate, had been presented, but, as this was a very small portion of the Senate he did not pay much attention to the petition. After this Bill was printed he had received communications from many quarters, not quarrelling with the general principle of the Bill, but pointing out the difficulties which would arise in the working of his measure. He had, during the Easter recess, carefully gone through the Bill, and various improvements had suggested themselves to his mind, and he hoped their Lordships would pass the Bill through Committee *pro formâ*, so as to enable him to introduce into it the improvements which had occurred to him and others, which had been communicated with a view of making the measure more perfect, and of obviating the objections which had been made to it. One of the provisions transferred to the council the powers now possesssed by the *Caput Senatus*. It had been suggested to him that that left the evil altogether unmitigated, as it left the veto in any single member of the Council—that was not so, but in order to remove all doubt, he proposed to alter the language and to enact that there should be elected a Council of the Senate, and that immediately after its election thereof it should have the duty of considering all graces, whether proceeding from the individual members of the Senate, or from the Syndicate. Thus, therefore, from time to time there would be appointed from among persons resident in the University, four heads of houses, four of the professors, four of the elder and four junior masters of arts. This was preferable to the constitution of the corresponding body in the Oxford University, which was composed of the heads of houses, six professors, and six masters of arts, all of whom must be of five years' standing. The interests of knowledge would be advanced, not by giving the government of the University to young men, but by stipulating that there should always be an infusion of young blood into the governing body, since those younger masters of arts, who were comparatively fresh from their studies would know what the wants of the students were, and would be able to render valuable assistance in the deliberations of the Council. Another class of enactments worthy of attention were designed to render unnecessary the taking of a large number of oaths that were now imposed in the University, and would therefore make it illegal to administer the oaths that were now taken not to disclose anything relating to the Colleges, or to aid in the promotion of any changes or innovations in their Statutes. These oaths were introduced in an age when a state of feeling prevailed entirely inconsistent with that of the present day; and they would, therefore, be repealed by this Bill in the same manner as was done in the case of the Oxford Act. It was also proposed, in conformity with what had been done for Oxford, to authorise the opening of private halls. He should not conceal that the Commissioners had negatived this proposition; they thought private halls were not necessary at Cambridge, where the custom already prevailed of permitting the students to live in lodgings; indeed, out of 1,760 students, there were about 700 now in lodgings. He did not think the private halls would be much resorted to at Cambridge, but the same permission ought to be given to parties to open private halls there, if they thought fit, as at Oxford; and as such places would be under the control of the University, he could see no possible harm in it. The Oxford Act provided for the possibility of uniting together several private halls, to make one great hall, but it would not be necessary to specify that in the Cambridge Bill. The clauses which determined the constitution of the Council, and which were the main object of the Bill, did not require much explanation. A very important enactment of this Bill was that by which power was given to the colleges and the University to propose any alteration in the distribution and employment of the endowed funds, if they could get the sanction of the Commissioners with the consent of the Queen in Council. This extended to the 37th clause of the Bill. Then came a clause, also taken from the Oxford Bill, which rendered it unnecessary to take any oaths or declarations whatever on matriculating in the University. All his experience showed that such oaths taken on matriculation, whether religious or political in their character, were perfectly disregarded, and were, indeed, mischievous; that nobody recollected afterwards what he had subscribed; and he presumed that very few of their Lordships would be now able, if they were asked, to answer that question; and the best way, therefore, was to do away with those oaths and declarations altogether. Then came the 40th section which enabled the degree of bachelor of arts to be taken—excluding, however, any ecclesiastical advantages—

without any oath or declaration, or signing any articles. He did not see, for his own part, why all degrees of arts should not be taken without such conditions, so long as the persons admitted were not invested with any governing power in the University, or with any authority in the Church; but he would not urge the principle to that extent. Having now explained what were the provisions of the Bill, and pointed out why he thought that on the whole the mode of constituting the Council laid down by its clauses was the one best adapted for Cambridge, he would now move that their Lordships should resolve themselves into Committee on this measure, and afford him an opportunity of introducing the alterations he had described.

Moved, That the House do now resolve itself into Committee on the said Bill.

LORD LYNDHURST: My Lords, I confess, for my own part, that I very much regret that it has been rendered expedient, and even necessary, by recent events, for the Government to introduce this Bill. My noble and learned Friend has stated with great frankness that for several years past the University of Cambridge has been actively and industriously employed in endeavouring to amend its Statutes in order to render them as extensively useful as possible, and that it has only been fettered in the carrying out of that wise resolution by the want of sufficient authority for the purpose; and, my Lords, I had myself thought that it would have been far better to introduce a Bill for the purpose of enabling the University to give effect to and complete its own amendments than to bring in a measure like the present, because it would have been preferable that the University itself should be led to complete its own adaptation to the circumstances of the times, rather than that the task should be entrusted to any foreign authority, however it might be constituted. Still, after what occurred during the last Session of Parliament and the passing of the Oxford Bill, I admit that it would have been difficult, and, perhaps, improper to pursue the course which I have just suggested. It might have created dissatisfaction and jealousy, and perhaps have excited some unpleasant feelings between the two Universities, which had always been united heretofore in the closest friendship, entertaining for each other the greatest respect and esteem. I shall not, therefore, oppose the second reading of this Bill. My Lords, I think that these Universities exert much less influence, and have a far weaker hold upon the public feeling of the country at the present day, than it was their good fortune to possess at a not very distant period. I will not now enter into the causes which have led to this change; but I will merely observe, that when I first entered public life, I found in the other House of Parliament that a majority of the members of that assembly had been educated in one or other of the Universities. Now, however, as I understand, not more than one-sixth, or at most one-fifth, of the representatives of the people have been educated at either of those great institutions. I hear it repeatedly said—and I hear it with great mortification—that the system of instruction at the University is becoming obsolete; that the Universities are behind the age; and that great, essential, and radical changes ought to be made in the system of instruction pursued there, and the mode in which it is carried out. My Lords, I think that there is not the slightest foundation for any such opinion, and I should feel very great regret at finding any essential alteration introduced into the system; for, after giving my best attention to the subject, I am satisfied that no better system of instruction could be established than that which has for ages prevailed, always with due regard to the progress of literature and science from one age to another. Young men enter the University usually between the ages of seventeen and eighteen, and continue there about three years and a half. The question is, how that important period in the life of a young man can be best and most profitably employed? It is not the object of the University to cram its students with a wilderness of facts, but its design is of a far different nature—it is to form the character of the young man, and to raise and develop his intellectual and moral faculties to the highest pitch to which his powers are capable of attaining. For that purpose the studies are directed to a cultivation of the taste, to a forming of the judgment, to a strengthening of the most important faculty of attention, to an invigorating of the reasoning powers, and, above all, to an instilling deeply into the minds of the students of the principles of religion and morality. By what course of study is this attempted to be effected? It may be divided into three branches—by the cultivation of classical literature, the study of mathematical science, and instruction in the great principles of morality and religion. When I speak of "classical literature," my Lords, it is not to be supposed that this consists merely of instructing young men to translate a few passages of classical authors. Far different is the course of study which is pursued at the University of Cambridge. The students are taught to read the most eminent authors, poets, philosophers, orators, and historians of ancient times, and to compare them, under the direction of their tutors, with modern writers of the best character upon the same subjects. In that course of study the most striking examples of patriotism and the highest virtues are presented to their mind, and they are taught to admire everything that is great and good. In ancient history they are instructed also in the laws and institutions—religious, military, and political—of the ancients; they are practised in composition, not merely in the ancient languages, but in their own tongue. I confidently submit to your Lordships that no system of study can be better calculated to form the character of a gentleman—and I use the term "gentleman" in its most comprehensive sense. So, also, with regard to the second branch of university education—mathematical science. It must not be supposed that that consists simply of the demonstration of a few problems in Euclid. On the contrary, that branch of science is cultivated to an immense extent in the University of Cambridge—some think to too great an extent; but every one who is acquainted with the subject must feel how strongly that study tends to cultivate the faculty of attention, and to develope the reasoning and reflective powers of the mind. It is not merely to pure mathematical science—geometrical or analytical—that the study is confined; but it extends to all the branches of physical science with which mathematical knowledge is connected—to the science of astronomy, which is founded upon mathematical science; to the laws of fluids; to the laws which regulate our atmosphere; and to the laws of light and heat—all of which are more or less connected with mathematical science. This has a most powerful effect in forming the character of the individual. Last, and most important of all, is the cultivation deeply of the principles of religion and morality. The history of religion is studied, including the principles of our own particular faith, the doctrines which at different times have been inculcated, with the arguments in their favour and against them. And lastly, there is the study of the operations of the human mind, as traced in the works of Locke and kindred writers. Such is an outline of the system of study at Cambridge. I venture to submit that no system of instruction could be better calculated for preparing a young man to enter upon his career of life, whatever it may be, whether the study of the learned professions, of political science, or of literature. But it must not be supposed for a moment that other branches of science are neglected. It is far otherwise. There is a beautiful passage in the Orations of Cicero in which he describes with great eloquence the union and connection between all the different branches of literature and science, forming as it were one family, mutually assisting, supporting, encouraging, illustrating, and adorning each other. In that way the course of study pursued at Cambridge operates; and although it may be proper that young men at the University should study the sciences, yet as the elementary works are easily mastered, and as they call into exercise none of the strong powers of the mind, and do not even require a great strength of memory, I should be extremely sorry that they should in any great degree interfere with or supersede those more solid branches of learning to which I have referred. My Lords, no University has ever produced more distinguished or more extraordinary men than has the University of Cambridge. It gave to the world the great father of inductive philosophy, Bacon, and the immortal Newton. It produced Milton, the sublimest of poets, Spenser, the majestic Dryden, Cowley, Byron, and a long line of illustrious men of our own day. Among men renowned for their knowledge of English jurisprudence whom it numbered among its sons, are the noble names of Coke, of Camden, of Thurlow, and Ellenborough. In the statesmen who sprang from it are the sagacious Burleigh, the brilliant Walpole, and that finished orator and greatest of statesmen, William Pitt. Nor in modern times has it failed to furnish the country with a noble example of a statesman in the person of my noble Friend (the Marquess of Lansdowne), than whom no one has shown, during his long career as a statesman and a Member of your Lordship's House, more tact, more eloquence, or more sterling good sense. Then again, when I look to the right rev.

benches, I cannot but call to mind the names of those great classical and learned men whom Cambridge has produced—Jeremy Taylor, Bentley, Porson, and a long list to repeat whose names alone would occupy a summer's day. Such, my Lords, is the system of instruction which has been followed at the University of Cambridge, and which, even in old times, produced such glorious fruits. Let us, therefore, be careful how we impair the efficiency of that system by new devices, interfering with that solid system of education which has hitherto been followed by such splendid results. This is one point; perhaps your Lordships will allow me to allude to another and a most important question—I mean the mode by which the system of instruction is conveyed. I do not find in the Bill now before us any specific clause making any alteration in that respect; but, although I find no specific clause, I find sundry provisions which, connecting them with what I have heard, lead me to suppose that very extensive alterations are in contemplation, and therefore a few words upon that subject may be necessary. The present mode consists of instruction by tutors of colleges, by private tutors, and by the lectures of professors. Now, with respect to the system of private tutors, when I went to the University, sixty years ago, very few students had the assistance of private tutors—it was the exception and not the rule. Now, however, I understand that the system has been entirely changed, and that every man who seeks mathematical honours is obliged, as a matter of course, to have a private tutor; nor does it follow that those who obtain the assistance of private tutors are always the most distinguished. I consider that a system which renders it necessary for every one who is competing for mathematical honours to have a private tutor is a very great evil. It leads to a system of cramming which overtasks the faculties and weakens the intellect, and at the same time it places those whose pecuniary resources are not sufficient to enable them to obtain the assistance of a private tutor at a very great disadvantage. I believe that the most distinguished members of the University are desirous, as far as possible, if not to put an end to the system, at least to modify and to limit it. With reference to the mode of education by lectures, some disposition had been shown to extend the professional system, of which I do not at all approve. A young man who hears lectures may easily be under the delusion that he is doing much, whilst he is, in fact, doing very little. He might have attended so many lectures, but his mind would wander, his attention would not always be kept alive, and it was in a passive instead of an active state. Studying in his own room would give much more accurate knowledge than the lectures of a professor, which, however, were not objectionable, and might serve to excite an interest in, and a love of, the subject to be studied. In the third method of education, by the tutors of colleges, I believe there are some defects at Cambridge which this Bill will rectify; but the system is excellent, and I remember that, when I was at college, I found the aid of the mathematical and classical tutors extremely beneficial. Between a student and his private tutor there might be too great an intimacy, so that he would rely upon the tutor to solve every difficulty without exerting his own mind; but the more general explanations afforded by the tutor of the college, who had to superintend the studies of a class, supplied a very advantageous guidance. I observe that some of the clauses of this Bill are copied from the Oxford Bill, and especially that with reference to the establishment of private halls. Now, the great distinction between the system pursued at Oxford and Cambridge is, that at Oxford no student is allowed to live in the town; so that if any one desires to be a Member of Christ Church, and that college is full, he will be obliged to become a member of some other college, whereas at Cambridge the system has been to allow the students to reside in the town, so that if, for instance, any one wishes to become a Member of Trinity College, and it is full, he may nevertheless join it and reside out. It had been asserted, indeed, that such a permission would have a tendency to relax discipline; but he could confidently deny that it had produced any such effect. But I am now told that the establishment of private halls will be of the greatest possible benefit to a poorer and more extended class of students, who, through their means, will have an opportunity of enjoying those advantages of a University education which, in consequence of their limited pecuniary resources, have hitherto been denied to them. My Lords, I do not believe it possible that in any private hall, superintended by a master of arts, who must naturally expect to make a provision for himself out of the establishment, young men can be provided for so cheaply as in their respective colleges, under the present system; and of course every one would in that case prefer going to the colleges where so many advantages are obtained rather than to these private halls. It has been supposed that the effect of the establishment of these private halls would be, that they would afford facilities for the attendance of the sons of Dissenters at the University. But the heads of these establishments are to be obliged to declare themselves to be members of the Church of England, and I do not believe that the parents of sons dissenting from the Established Church will be willing to send their sons to establishments of this description, where they will be so completely under the control, supervision, and influence of clergymen of the Establishment. I do not therefore see any advantage likely to result from the establishment of these private halls. The sons of Dissenters are, and have been treated with the utmost liberality by the University of Cambridge, and the most beneficial consequences have resulted from this liberality to persons dissenting from the Established Church. I do not, however, object to this part of the Bill, and I do not know that it will do any mischief—on the whole, I believe, that these clauses will be inoperative and a dead letter. I wish to say a few words on the subject of the Syndicate appointed by the University to revise the Statutes. Your Lordships are aware that I have the honour to hold a high office in the University of Cambridge, and I have therefore watched with great interest the attempts made by the authorities to improve the constitution of the University. My noble and learned Friend (the Lord Chancellor) told your Lordships that a year before the Commission was thought of the University of Cambridge appointed a Syndicate, consisting of some of the most eminent and learned members of the University, to consider what revision might be necessary in the Statutes of the University. This Syndicate was employed for two years in this important duty, and they recommended the appointment of a Council, the duty of which should be to consider and prepare all graces to be offered to the Senate, the duties of the *Caput* being limited to the consideration of supplicats and graces for conferring degrees. The Commissioners complimented the University that such a proposal should have emanated from itself, and they say that it was so constructed as to preserve a balance of power among the different colleges, as well as to prevent the excitement and rivalries of a more popular and unlimited mode of appointment. The proposal in question received the unanimous approval of the Syndicate, and when it was brought under the consideration of the Senate, out of 300 Members present only nine opposed it. It is impossible to say that the University has opposed all reform when such a change has been adopted with so little opposition; but, on the other hand, it was alleged (although this was before the Oxford Bill was brought forward) that, although so large a majority appeared in favour of the Report of the Syndicate, yet the unanimity was founded upon the consideration that the authorities were not likely to obtain anything better. A report was afterwards made in answer to Lord Palmerston's letter to Prince Albert, embodying these and other proposals. It is true that an address signed by certain members of the University was afterwards presented to Lord Palmerston, objecting to the constitution of the Council as proposed by the Syndicate, but, while the proposal of the Syndicate was adopted in a full Senate, only forty-three members of the University thought fit to sign this address to Lord Palmerston. It had been said that the *Caput Senatus* was elected by the heads of houses, and that the heads of houses so influenced the fellows, that they were in fact the governing power of the University. But no one practically acquainted with the University would assert that to be the case; and by the proposals of this Bill the influence of heads of houses would be still further diminished by the addition of the masters of arts to the *caput.* It had also been urged that the governing body should be elected by open voting in the Senate generally; but what would be the effect of an open vote in the Senate? His noble and learned Friend had disposed of that question by showing that open voting would allow the two colleges of Trinity and St. John's to govern the University to the exclusion of the influence of all the other colleges. It was the object of the proposals of the Syndicate to guard against the excitements of a system of open voting, and this was one of the grounds upon which their proposal was approved by the Commissioners. What a scene would otherwise be exhibited every year at the time of an election of the Council, for it was upon their election the Government of the University would depend. There would be great excitement and party animosity, which would disturb that calm and tranquil state which is best adapted to the studies of this seat of learning. Your Lordships are no doubt aware that two persons are nominated by the heads of houses every year to fill the office of Vice Chancellor; but they are selected according to a certain rotation, and of the two names sent to the Senate, the first is always accepted, so that practically the heads of houses have no influence in the election of the Vice Chancellor. No recommendation has been made by the Commissioners to alter the mode of electing the Vice Chancellor, and no alteration in the mode of election of the Vice Chancellor at Oxford was made by the Oxford Bill, and there is no reason why any alteration should be made in the plan of electing the Vice Chancellor of Cambridge by this Bill. Well, my Lords, I have now gone through the Bill, and have made such observations upon its psovisions as have occurred to me. Future opportunities will be afforded in the course of the discussions in Committee for my making any further observations that may arise to my mind. I have to apologise to your Lordships for having occupied so much of your Lordships' time. But, my Lords, I believe the subject to be one of great importance—certainly of great importance to the University, and I also consider it to be of great importance to the public, affecting as it does the system of education pursued at one of the highest seats of learning in this country. I am glad to have had the opportunity of addressing your Lordships on this occasion. In the observations I have made to your Lordships I feel I have done my duty. In the further progress of the Bill I shall be ready to do everything in my power to make it a perfect measure, both for the interests of the University and for the welfare of this country and of the Church as it is established.

The Earl of POWIS said, he had listened with great pleasure to the eloquent speech of the noble and learned Lord, in which he had given so vivid an exposition of the past and present condition of the University of Cambridge. That in former centuries that University was capable of producing men distinguished in the most difficult walks of life the list of names the noble and learned Lord had quoted sufficiently testified; while the notion that the system of the University was antiquated and inadequate to the requirements of the present day was sufficiently refuted by the presence of the noble and learned Lord himself, of whose brilliant powers and commanding talents it was difficult to say whether they had been more remarkably displayed in Westminster Hall, or in the two chambers of the Palace in which their Lordships were then assembled. He was happy that the noble and learned Lord on the woolsack, in framing this Bill, while taking for his model the Bill for the University of Oxford, had not observed the same minute interference with the systems of particular colleges which in the early stages of that Bill were attempted. By so acting he believed there was a greater chance of the present Bill passing without undergoing the many alterations and additions which that Bill received. Still there were some points in the measure which required consideration. For instance, it was stated in the interpretation clause that the words "cycle of proctors" should be taken to mean the cycle which had been or might be made by any statute of the University, but those words were not to be found in the whole body of the Act, but were taken from the Oxford Bill. According to the preamble of the Bill, it might be assumed that the necessity of interference with the University on the part of the Legislature was demanded by the inadequate provision made by the University itself for the extension of its usefulness and for the improvement of its system of discipline, studies, and government. But no one could look at the different changes and enlargements of the system of education which had taken place in the University without feeling that those who were particularly engaged in tuition had exercised a most salutary influence over the system from time to time, and that a careful consideration had been given by them to the subject; therefore, there had been in that respect an enlargement of the usefulness of the University. With respect to the founders of the fellowships and scholarships in different colleges, and the control which they exercised over the University by the conditions attached to their endowments, it should be recollected that they were its liberal benefactors, while, on the other hand, the State had done very little for it. The State now, however, came forward with the most arrogant pretensions to deal with the foundations, scholarships, and fellowships of the University; and in the course of the discussions which had taken place on the subject there was no portion of the subject scoffed at more than the founders of those liberal endowments; and the system of education they had directed was charged as proceeding from men of the most bigoted and narrow minds. In numerous other instances which had occurred in recent days, the University had been largely benefited by the liberality of individuals, and particularly by the honours and prizes that had been instituted by means of the gifts of several Chancellors of the University and other public benefactors. Having shown that the University had derived its chief support from the bounty of its founders, without any material assistance from the State, he might ask, what had the State taken from the University? The small stipends of the professors were diminished by fees and taxes, and, more than that, there had actually been imposed a tax on degrees, which of late years had produced from the two Universities nearly 3,000*l.* At the same time exemption from these taxes had been given to the London University, and to the godless colleges in Ireland. By some mysterious process of reasoning, the two ancient Universities had been considered exceptions to the operations of the great dogma of free trade. In another respect the Bill offered a strange anomaly—he referred to the clauses which dealt with the salaries of the Regius Professors—in whom was the patronage of these appointments now to be? They were to be paid by the University; and was the Crown still to appoint professors whom the University was to pay? With respect to carrying out the details of the Bill, whether with reference to the University at large or the colleges, much would depend on the discretion of those persons who were to be appointed Commissioners, and to whom the powers defined in the Bill were to be intrusted; but he would take the liberty to call attention to the fact that the Commissioners, with the exception of the learned Judge, who, as such, could not be considered as a politician, all belonged to one political party, and had the same views, and that, therefore, opinions were not so well blended as in the case of the Oxford Commission. He regretted not to find the name of Lord Lyttelton among them, for he was a distinguished member of the University, and one who had done great good in the cause of education in the county and diocese in which he lived. As regarded the details of the Bill, he concurred in most that had fallen from the noble and learned Lord (Lord Lyndhurst). With respect to private halls, he was glad to hear what had fallen from the noble and learned Lord, because the distinction which he had pointed out between the cases of Oxford and Cambridge was one of considerable importance as affecting the position of students. There were other points with regard to which the custom of the two Universities differed, and those ought not to be lost sight of in considering a Bill of this kind. But on one point he could not subscribe to the position laid down by the noble and learned Lord. He believed that anything that would interfere with the free exercise of the students in the choice of their private tutors would be an interference with the efficiency of their studies; for it would often happen that the lectures delivered in a college would not supply all that a student needed to enable him to take honours. He should be very sorry to see any interference in this respect with the liberty of the student, and he rejoiced to see the Commissioners expressing in their Report a decided opinion against prohibiting students from taking advantage of private tuition, if they desired to avail themselves of that convenience.

Lord REDESDALE said, he must congratulate the University of Cambridge on the benefit it had received from the discussion on the Oxford Bill last year; for pretty nearly every amendment which had been carried in the House of Lords and rejected in the House of Commons had been adopted in the present Bill; for instance, he perceived that, with respect to the constitution of the Council, it was proposed in the Cambridge University Bill that the heads of colleges should be nominated by the heads of colleges, and the professors by the professors. The same rule, then, had not been applied to both Universities, but a much larger measure of alteration had been extended to the University of Oxford than to the University of Cambridge. An amendment had been given notice of, which was precisely similar in effect to that which he had proposed in respect to the Oxford Bill, and which was resisted and rejected,—establishing some provision against the perpetual rejection of a measure by certain bodies. He (Lord Redesdale) had ventured to propose, with reference to the Oxford Bill, that if the congregation resisted a measure three times sent down to it by the Hebdomadal Board, then that Board, should have the right of taking the sense of the University at large on the question by proposing it to Convocation. The proposition was rejected; but he now understood that the noble and learned Lord intended to insert some provision of a similar kind in the present Bill for Cambridge. He had no objection to offer to the Bill, which, on the whole, he trusted would prove a satisfactory settlement of the question, and he was glad to find that it included qualifications and improvements which he and others had not been fortunate enough to secure for the University of Oxford.

Viscount CANNING wished to say a few words after the allusion which had been made to the Oxford Bill, though he was strongly of opinion that the discussion at present, in respect to all that related to matters of detail, had much better be left in the hands of those well acquainted with the University of Cambridge. With reference to the difference of constituency for the election of the Council, he reminded the noble Lord that such a constituency as was created by the Oxford Bill would, in the case of Cambridge, have been liable to be overridden and swamped by the influence of the two predominant, and, if he might say so without offence, overgrown establishments of Trinity and St. John's. Again, though he confessed that he made this admission with some feeling of humiliation, the course pursued by the University of Cambridge, since the first sign of a desire for improvement in the Universities had manifested itself in the public mind, had been somewhat different from that taken from the University of Oxford. So far back as 1837, when the alarm was first sounded in their Lordships' House, and in the other House of Parliament in regard to University reform, their Lordships' would, perhaps, remember that on that occasion the University of Oxford, speaking by the mouth of its then illustrious Chancellor in their Lordships' House, gave what was accepted at the time as a very satisfactory and gratifying assurance of the commencement of a course of progress and improvement, from which the best result was anticipated. But, this anticipation not having been fulfilled, the Government felt that it was necessary to take some steps to secure the adoption of the measures which in their opinion were necessary. The manner in which they had dealt with the University of Oxford was unavoidable, in consequence of the apparent unwillingness of the authorities to take any steps in the matter; and, even after the Oxford Bill had been announced to Parliament, the scheme put forward by the authorities fell far short of the expectations of the Government. The measure of last session was in consequence proposed to Parliament. He thought that a stronger measure of reform was now about to be applied to Cambridge than had been applied to Oxford, but the present Bill would probably be less stringent, imperative, and obligatory in its provisions than the Oxford Bill.

On Question, *agreed to.*

House in Committee accordingly.

Amendments made.

The Report thereof to be received on *Monday* next.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, April 24, 1855.

Minute.] Public Bill.—2° Metropolitan Buildings.

LANCASTER SHOT FACTORY AT WOOLWICH—QUESTION.

Captain LEICESTER VERNON said, he would beg to ask the hon. Gentleman the Clerk of the Ordnance whether the building for the Lancaster shot manufactory at Woolwich was erected by Messrs. Fox and Henderson without the supervision of an officer of the Royal Engineer department; and, if so, what was the reason for adopting such a course? also, whether that work has been performed, in respect to construction and materials, to the entire satisfaction of the Ordnance, and whether an officer of the Royal Engineer department has been directed to examine and report upon the same?

Mr. MONSELL, in reply, said, that in the month of November last, on account of reports that had been received from the East by the Government, it was considered desirable to increase very largely the manufacture of Lancaster shells. He had communicated with Mr. Nasmyth on the subject, who had placed at the disposal of the Government his great works, but, on consultation with the Engineer Department at Woolwich, it was found impossible, in consequence of the absence of certain things, that the work could be carried on in Mr. Nasmyth's factory. They, therefore, found themselves obliged to erect the establishment at Woolwich to which the hon. and gallant gentleman had alluded. The plans were prepared by the inspector of machinery, in conjunction with Messrs. Fox, Henderson, and Co. They were submitted to the commanding officer of Royal Engineers at Woolwich, Colonel Foster, who declared that upon the whole, considering the rapidity with which the building had to be erected, he considered the price to be a fair one. The works were accordingly commenced in the course of December, and within a few days afterwards Colonel Foster called upon him and informed him that, in his opinion, if the materials brought upon the ground were used, and if the building were constructed in the way Messrs. Fox, Henderson, and Co. proposed, it would not stand. But Colonel Foster informed him also that if a guarantee were given by Messrs. Fox and Henderson that the building would stand even for six months, he was quite sure the building might be considered to be a permanent one, in consequence of the great force of the Nasmyth's hammers, and the great amount of machinery that would be set to work from the moment that the works were put in operation. He (Mr. Monsell) accordingly sent to Sir Charles Fox, who gave the guarantee required entirely to Colonel Foster's satisfaction, and the building was proceeded with; and in two months from the day of the commencement the first shell was forged. He might mention that the building covered 3,000 yards, was 240 feet long, and 180 feet broad. The factory had been in operation for some time, and had been working very well; but on account of certain representations made, chiefly with regard to the firebricks, Major General Hardinge, of the Royal Engineers, was requested to go to Woolwich, to inspect the building, and to report upon it. His report was in some respects unsatisfactory, and it was referred to Sir Charles Fox; and if the hon. and gallant Gentleman would, when the reply of Sir Charles Fox was received, put another question, he (Mr. Monsell) would be happy to communicate to him the result. All he could then say was, that the building was working perfectly well, that it had stood the severe test to which it was exposed, and, so far as he could learn, the works appeared to answer the purpose for which they were intended. In the first instance the building was to some extent under Colonel Foster's superintendence; but after the guarantee was given by Messrs. Fox, Henderson, and Co., it ceased to be under Colonel Foster's superintendence, and Messrs. Fox, Henderson, and Co. having given the guarantee, they had the undivided responsibility of the erection of the building.

INDIAN FINANCE—QUESTION.

Mr. DISRAELI: I wish, Sir, to make an inquiry of the right hon. Gentleman the President of the Board of Control with regard to some financial operations of the Indian Government. The House will, perhaps, recollect that about a year ago a complete conversion of the Indian Five per Cents. was carried into successful operation by the Government of India, and they were converted into Four per Cents. The price of the Five per Cents. at the time of the conversion was 112*l.* in English money, and the conversion was effected at par to Four per Cents. Of course, that was a legitimate operation, or at all events if illegitimate, it was a beneficial one. Now, I understand that, this conversion from Four to Five per Cents having been effected about a year ago, the Indian Government have since opened a new loan of Five per Cents at par. The consequence of that operation has been that the Four per Cents, upon which a loss of 12 per cent by the original conversion from Five to Four per Cents took place, have fallen by the last advices to 85*l.* There is, therefore, of course, a loss of 27*l.* upon them. Wishing to confine myself within the strict limits of the question, I do not intend to offer any remark at present upon this remarkable operation of finance by the Government of India; but I wish to ask the right hon. Gentleman whether he will lay upon the table of the House any correspondence that has taken place on the subject of this financial operation between the home Government and the Government of India.

Mr. VERNON SMITH: Sir, I have to inform the right hon. Gentleman that no official intelligence has been received concerning the transaction mentioned by him. All the information the Government have on the subject is that which is known to him and to the country through the public press—namely, that, in order to raise money for the purpose of defraying the expenses of public works, a loan was opened at 5 per cent. Of course the right hon. Gentleman is aware that the Governor General of India has the power to open a loan whenever he pleases, without consultation with the Court of Directors or the home authorities. But of course he will send home some notice of the transaction; and when the correspondence arrives, I shall be perfectly ready to lay it on the table of the House.

Mr. DISRAELI: In consequence of the observations of the right hon. Gentleman, which certainly are very unsatisfactory to me. I will, without waiting for that correspondence, take an early opportunity of putting before the House and the country the nature of the operation as I believe it to be, with respect to this loan; so that when the correspondence shall arrive, the House will be better able to appreciate its value.

ACT OF UNIFORMITY.

Mr. HEYWOOD said, he would now beg to move, in accordance with the notice he had given, that the House resolve itself into a Committee to consider such clauses of the Act of Uniformity of 1662, as impose religious tests. If the Resolution were adopted, he would introduce a measure to repeal that portion of the Act of Uniformity, by which it was directed that the schoolmaster of public schools should take the affirmation prescribed by the Act of Uniformity. One clause of the Act required every public schoolmaster to sign his conformity to the Church of England, and the result of which was, that they had made every grammar school in the country a Church of England institution. The schoolmasters consequently considered themselves entitled to make all the boys, without exception, learn the Catechism of the Church of England, and attend its service on Sunday. That was, of course, quite agreeable to the members of the Establishment, but was very hard on those boys who happened to be the sons of Dissenting parents, and who were obliged to attend a service in which their parents could not conscientiously join. To remedy the evil he was prepared to adopt the clause proposed by the right hon. Member for Droitwich (Sir J. Pakington) in his Education Bill, by which it was declared that he would not require any child to receive religious instruction to which the parents objected. The question was one that called for the interference of Parliament, and he had the authority of the Universities of Oxford and Cambridge for saying that an alteration in the tests at present imposed was highly necessary. One of the first duties of a Representative of the people was to take care that the religious scruples of the people were attended to; and he believed that great advantage would be derived from the appointment of a Committee to consider the subject. One of the earliest reformers in this respect was Lord Bacon; but since the time of Lord Bacon 300 years had passed away, and very little alteration had been effected in the meantime. In the rules of the colleges themselves, which had become national institutions, there were many objectionable religious tests. There could not be a better example of the abuses and malpractices prevailing in the Universities than that of Trinity College, Dublin, the fellows of which had so long been rigidly bent on maintaining the sacramental test. An attempt was made in the Irish Parliament to open that institution in 1793 which was unsuccessful, in spite of the excitement caused by the case of Hearne, who was deprived of a scholarship of the value of 80*l.*, because he refused to take the sacrament according to the rite of the Church of England, being a Roman Catholic. Again, in Trinity College, Cambridge, when a gentleman was appointed to a fellowship, he was obliged to take an oath that he would make theology the end of his studies, and that after the expiration of seven years he would either take holy orders or surrender his fellowship. Many able men professing the Roman Catholic religion, declined to take the Sacrament, and were consequently deprived of their scholarships. He contended that an alteration in the law was called for, and that the House of Commons was the proper body to originate a change. In 1828 the noble Lord the Secretary of State for the Colonies (Lord J. Russell), brought forward a Bill for the repeal of the Test and Corporation Acts. Those Acts were abolished with regard to the magistracy and other individuals, but with regard to the colleges no change was made, and a separate measure was now required to effect an alteration. In most of the grammar schools throughout the kingdom the trustees, in appointing a master, were confined to the election of a graduate from the Universities of Oxford or Cambridge, graduates of the other Universities being excluded; but he believed that an institution which selected the best men of the day from all parts of the country was the most likely to advance the interests of the people. We were now arrived at a critical period in the history of the country, when men of talent and ability were more needed than in former times. He called on the House, therefore, to sanction the attempt he now made to set free the educational system of the country, and to affirm the preliminary Resolution he should now lay before them, a Bill founded on which would much tend to the improvement of our educational system.

Sir ERSKINE PERRY seconded the Resolution, feeling, he said, it an honour to be identified with the Dissenters of England in one of the most important movements in the cause of civil and religious liberty which had taken place for the last 200 years.

Motion made, and Question proposed—

"That this House will resolve itself into a Committee, to consider such Clauses of the Act of Uniformity of 1662, as impose religious tests, limiting the advantages of academical, or grammar, or free school education; and so much of any Regulations of National Institutions, either in England or Ireland, as impose religious tests as conditions or qualifications for any advantages connected with Education, in the English or Irish Universities or Public Schools."

Viscount PALMERSTON: Sir, I waited before making any observations upon the proposal of my hon. Friend the Member for North Lancashire (Mr. Heywood), because I considered that hon. Gentlemen who are connected with some of those institutions to which the Motion refers might wish to express their sentiments on their behalf to the House. I have, however, no difficulty in at once stating the course which it is my intention to pursue respecting it. The Motion of my hon. Friend seems to me to divide itself into two very distinct and different portions. The first part of the Resolution relates to the consideration of those portions of the Act of Uniformity which require religious tests from schoolmasters and tutors in private families—from persons, in short, from whom generally no religious tests have for a long period been required, and which imposed very severe penalties upon those who neglected to comply with the enactments. The second part of the Resolution, if I properly understand its purport, would appear to me to tend to disturb the settlement which was made last year with regard to the University of Oxford. Now, with regard to the first part of my hon. Friend's Resolution, so far as he has explained it and as I comprehend it, I shall have no sort of difficulty in going along with him. I think these obsolete enactments, which have long ceased to be of any practical effect, and which are no longer in accordance with the spirit of the times, may, with great advantage, be swept away from the Statute Book. With regard to the second part of the proposal, I think it would not be right for Parliament to interfere and disturb the settlement of last year, at all events until we have had some practical experience of the working of that measure. I shall not, therefore, be disposed to go along with my hon. Friend with respect to that part of his Resolution, so far as I understand it. If my hon. Friend should not consent to withhold the doubtful part of his Resolution, and to propose only the first clause, yet, as agreeing with him to some extent, I shall not object to the House going into Committee. I must, however, beg my hon. Friend and the House clearly to understand that, in doing so, it is with the full reservation that I have entire liberty to deal with my hon. Friend's Bill when it is brought in, according to the opinion I may form of the provisions which it contains. I shall be prepared to concur in such portions of my hon. Friend's Bill as will sweep away the old and obsolete enactments to which he has referred, but I shall not be disposed to assent to such portions of the measure as would disturb the arrangement of last year. There may be other points in the Bill which are not included in the Resolution of my hon. Friend, and with regard to them I beg to reserve to myself perfect freedom to consider them when they are explained and developed. I hope, therefore, my hon. Friend will understand, if he persists in leaving his Motion in its present form, that in acquiescing in it I am by no means committed to the full extent of his proposal, but for myself and for Her Majesty's Government I shall be at perfect liberty to object to any portion of the arrangement he suggests, which upon full consideration we may think it is not desirable or expedient to adopt.

Mr. GLADSTONE said, the declaration which his noble Friend had just made was, it appeared to him, quite fair and satisfactory, but he went beyond his noble Friend in this respect, that he was disposed to urge upon his hon. Friend the Member for North Lancashire, the expediency of amending his Motion forthwith, because he thought it was neither convenient nor satisfactory that the House should go into Committee upon a matter affecting the Act of Uniformity, not on the proposition of the Government, but upon that of a private Member, in order to allow a Bill to be brought in and read a first and second time, with the view of cutting it down to comparatively insignificant proportions in Committee. He felt bound to give notice distinctly to his hon. Friend the Member for North Lancashire that, so far as the University of Oxford was concerned, after the arrangement of last year, he (Mr. Gladstone) would think it his duty, without the smallest compunction or hesitation, to resist any attempt to interfere with the settlement then made by Parliament. He considered, however, that the omission of the latter part of the Motion would not entirely and satisfactorily attain the object of his noble Friend at the head of the Government, for a clause in the Act of Uniformity, which was in fact a fundamental part of the settlement of last year, limited college offices to members of the Church of England. He thought that any alteration of important Acts of Parliament, which might unsettle the condition of ancient institutions, was a matter of very serious consideration, and that it was most inexpedient and unadvisable that the discussion of such subjects should be renewed year after year. No doubt it appeared a very slight thing to his hon. Friend the Member for North Lancashire to cut out of the Statute Book any measures which were opposed to his views of the manner in which these venerable institutions should be regulated. He (Mr. Gladstone) thought, however, that in the case of institutions so ancient, and possessing so many rights of a complex character, a strong case was requisite to justify the interference of Parliament, and it was especially desirable that such interference should be rare. He considered that his opinion would be borne out by those who recollected that it cost the House the labour of half a Session only last year, to pass a Bill for the reform of the University of Oxford. He considered that in a matter of this kind, those who desired to attain reasonable objects should proceed cautiously and step by step. Commissions had been appointed to inquire, time after time, into the old Universities of the country; they had made their reports; and Parliament had addressed itself with laudable care to the object of applying such parts of their reports as it approved to the case of the University of Oxford. It appeared to him that the recommendation given by his noble Friend at the head of the Government on a former occasion was very wise and sound—that to the Universities all minor establishments for the promotion of education should be made to conform. The system introduced by the Act of last year could not have been established, had not the University, in pursuance of clauses contained in the Act, applied itself with great good faith to carrying into effect the intentions of Parliament, by framing regulations for its better government and discipline. He considered, therefore, that it would be but an ill return for the disposition so dutifully manifested by the University, if, before an opportunity had been afforded to the University authorities of carrying any of the new arrangements into effect, they interfered with a fresh set of Parliamentary stipulations, and threw into confusion the regulations which had already been devised at Oxford. The Universities must be the key to the system of instruction in the public schools; and as Parliament had already passed a Bill with respect to Oxford, as a Bill relating to the University of Cambridge was now before the other House, and as he took it for granted that these measures would be followed by one affecting the University of Dublin, he would call upon them first to fix, by a Vote of that House, the principles applicable to the Universities, and then to consider the principles applicable to the public and grammar schools of the country.

Lord JOHN MANNERS said, he thought the most important portion of the Motion of the hon. Member (Mr. Heywood) referred to the endowed grammar and public schools, and that the House ought not, without careful and mature consideration, to proceed to legislate upon a subject of so much importance. The hon. Gentleman must be aware that, in order to open these schools to Dissenters, the trusts of the endowments would have to be, not qualified or altered merely, but entirely subverted. He therefore asked whether, on the present occasion, the House would sanction a proposal which must necessarily have so gigantic an effect? He trusted the hon. Gentleman would listen to the advice which had been tendered to him, and would consent to alter the terms of his Motion in such a manner as would have the effect of removing those merely obsolete enactments to which the noble Lord at the head of Her Majesty's Government had referred.

Mr. HEYWOOD said, he had no objection to modify his Motion. The most important and urgent cases were not at Oxford, but at Trinity College, Dublin. For the scholarships there sacramental tests were required, when they were abolished everywhere else. If it would meet the wish of the House, therefore, he would alter the Motion by inserting Trinity College by name, as that was the most important case.

Mr. WHITESIDE said, he considered that the speech of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) was a satisfactory answer to the speech of the noble Lord (Viscount Palmerston) and afforded the strongest reasons for the rejection of the Motion altogether, because the Motion that the House should go into Committee in order to find out what was the meaning of the hon. Member (Mr. Heywood) was perfectly absurd, and was a most unjustifiable task to be imposed on them. The hon. Gentleman, however, said that he was willing to qualify his Motion provided he were permitted to do something with the University of Dublin. Now, it was a most remarkable fact that that University was the most liberal of any of the Universities of the United Kingdom, and there was extant a speech of Mr. Grattan, which was spoken in 1794, in which that eminent man pronounced a panegyric on the Dublin University as being the most liberal in Europe, because it had permitted the education of Dissenters within its walls fully a century before any other University. He visited the University last week, when he saw a list of scholarships for election, and he asked whether they were to be open to all classes of Her Majesty's subjects, and the answer was that they were. But what did the hon. Member propose? He proposed that scholarships also should be open to Dissenters; but he did not yet go so far as fellowships. Now, he (Mr. Whiteside) admitted that the Dissenters in Ireland were a very respectable body of men; their language was more moderate than that used by the Dissenters of England—and in which he thought they showed their good sense; but the proposition, that the doubts raised as to the meaning of the hon. Member's Motion should be solved by fastening on the unfortunate University of Dublin and seizing upon its scholarships was one which he did not think even the noble Lord himself would assent to.

Mr. HEYWOOD said, that he was wiling further to alter his Motion by omitting the latter section, and stopping at the words "religious test." It would then read thus—

"That this House will resolve itself into a Committee to consider such clauses of the Act of Uniformity of 1662 as impose religious tests."

Mr. DISRAELI said, he thought the hon. Gentleman was committing a mistake in supposing that the noble Lord at the head of the Government had actually assented to the Motion in the qualified terms in which he had proposed to submit it to the House. It was quite clear that the noble Lord did not know what were the intentions and objects of the hon. Gentleman. It was obvious that they were not those indicated by the noble Lord. He (Mr. Disraeli) thought it would be extremely unwise for the House of Commons to go into Committee on a Statute of not less importance than the Act of Uniformity, when absolutely the hon. Member who made that proposal had not indicated to the House in precise language what was his object, and when the First Minister of the Crown, who had sanctioned the Motion, had described it in a manner which proved that he was unacquainted with the intention of its proposer.

Mr. HEYWOOD said, he was very sorry that he had been misunderstood. The object he had in view was that boys, not merely belonging to the Church of England, but to other denominations, should be allowed to partake of the advantages of academical or grammar or free school education, without having religious tests forced upon them of a Church to which they did not belong.

Mr. GRANVILLE VERNON said, that although but a humble Member of the House, he thought it rather an insult upon his own common sense if he were called upon to vote upon a Motion such as this before it had been explained by its proposer what was the object of it. Upon the suggestion of the noble Lord (Vscount Palmerston), indeed, some alteration had been made in the Motion; but it appeared to him that that alteration was anything but satisfactory. The subject to which it referred was one of the most important with which that House could have to deal, and it appeared to him that the best course the hon. Gentleman could pursue would be to withdraw the Motion, and bring it on again at a future day, when he might be able to explain to the House what he really did mean by his Motion.

Mr. HENLEY said, he considered that the Motion would be rendered only the more objectionable by the alteration the hon. Gentleman proposed. It was objectionable enough as it stood originally; but it would be still more so when amended in the manner suggested. Not only would it be useless, but positively mischievous, for the House to go into Committee upon a Resolution framed in such general terms; and if the hon. Gentleman did not withdraw his Motion, he would recommend that it should be met with a direct negative and rejected altogether.

MR. SERJEANT SHEE said, it appeared to him the hon. Gentleman had done himself injustice in not fully explaining what it was he wished to submit to the Committee. The hon. Gentleman did not read the whole sentence, and by not doing so he seemed to propose that the House should inquire generally into the effect of the Act of 1662 which imposed religious tests. That no doubt would be a very wide inquiry indeed; but that evidently was not what the hon. Gentleman meant. He begged to be permitted to read the first part of the hon. Gentleman's Resolution—

> "That this House will resolve itself into a Committee to consider such Clauses of the Act of Uniformity of 1662 as impose religious tests, limiting the advantages of academical or grammar or free school education."

This was what he believed the hon. Gentleman meant to propose to the House. He should like the hon. Gentleman to say whether he did not mean that his amended Motion should read on in the following way—That this House will resolve itself into a Committee, to consider such clauses of the Act of Uniformity of 1662 as impose religious tests, limiting the advantages of academical or grammar or free school education?

MR. HEYWOOD said, he wished to put the Motion in the shape most satisfactory to the House, and was ready to adopt the suggestion of the learned Serjeant. With that view he would beg to be allowed to withdraw the original Motion.

Question put, and *negatived*.

THE CHARITY COMMISSION.

MR. APSLEY PELLATT said, that, in bringing forward the Motion of which he had given notice, he had no intention of making an attack on any official, but merely wished to bring before the country the principles of conduct adopted in certain offices. The expenses of the Charity Commission were very great; the last Return showed an expenditure of 78,000*l*. They had, indeed, examined 238 charities, and no doubt a large benefit had accrued to the public, and considerable funds had been rescued from misappropriation. He thought the Commission, instead of any one else, ought to have the appointment of their own secretary and counsel. It appeared that Mr. Hine had been at once secretary to the Commission and solicitor to the Attorney-General, and on his resignation Mr. Fearon was appointed to fill the two offices. As secretary he might advise the Commission to institute a suit, which he would conduct as solicitor. If the Return was granted, the House would see in what manner the suits in this office were conducted. He held in his hand a letter from Mr. Hume, written a short time before his death, in reference to the Hospital of St. Cross. The veteran reformer expressed his opinion that what had occurred was owing to the neglect of the parties conducting the suit, and declared his intention, if again able to enter the House, to move for a Committee to investigate what he believed was a fraud on one hand, and gross neglect on the other. If the Return was granted, they would find the solicitor acting in his professional capacity for both plaintiffs and defendants, and the standing counsel holding a brief first on one side and then on the other. The Commission, therefore, ought to have the appointment of these officers, and it was so provided for by the 38 *Geo.* III., c. 91. A large amount was now derived by the officers from fees. He thought it would be better for the country to alter the system altogether, and pay them liberal salaries instead. He knew nothing personally of Mr. Fearon, and it was from no feeling of hostility towards him that he brought forward his Motion. He made the Motion solely with a view to elicit information as to what had really been done by the Commission, and as to the manner in which that expenditure had been incurred. He thought there was just reason for complaint as to the amount of fees paid to counsel in many cases.

MR. HADFIELD seconded the Motion.

Motion made, and Question proposed—

> That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of Treasury or other Order appointing Robert Wray, esquire, Standing Counsel to the Attorney General in Equity Crown matters, or the date when and by whom and under what circumstances he was appointed."

THE ATTORNEY GENERAL said,

that he did not like to oppose Motions for Returns, but really the Returns asked for by the present Motion was so unprecedented, and would be so voluminous, that he should not feel that he was doing his duty to the House unless he afforded them some information, so as to enable them to see what was asked for. He was sure that the hon. Member who had brought forward this Motion had done so with the utmost innocence and simplicity, and without having the slightest idea of what he (the Attorney General) believed was the case—that he was made neither more nor less than the puppet of a discontented solicitor, who had applied to other Members of the House to bring forward the same Motion, but had failed in the attempt. The Motion of the hon. Member included twenty-two returns, the greater part of which were already on the shelves of the House, while others could only be produced at a cost wholly disproportioned to the value of the information which they would afford. With regard to the first portion of the Returns moved for, it was sufficient to say there were no such orders as those referred to. The counsel in question, who acted as the juniors of the Attorney General in charity matters, were appointed by him. The same reply might be made in the case of the solicitors, who were also appointed by the Attorney General, as it was right and fit they should be, seeing that he was responsible for the manner in which they conducted the business in which they were engaged. With regard to the next Returns, he must inform the House that they were the first of a series of covert attacks on Mr. Fearon, than whom a more valuable officer never conducted the business of a public department in this or any other country. No doubt, a number of ex-officio informations had been filed by the Attorney General without the previous recommendation of the Charity Commissioners; but that was sufficiently accounted for by the fact that there were no Charity Commissioners in existence from 1839, while there were numerous cases in which it was necessary to file informations, and in which they were accordingly filed at the instigation of parties interested in the charities. In the Motion for the other Returns which followed, he could detect the same animus he had already pointed out; while if the information required by others were furnished, it would be exceedingly voluminous and altogether useless, especially as the very information had, in many cases, been already furnished to the House. If the hon. Gentleman thought there was anything wrong in the proceedings of the Attorney General, he ought not to ask for useless and expensive returns, but to move for a Select Committee.

Mr. GRANVILLE VERNON said, he deprecated the printing of such a mass of trash as the returns moved for by the hon. Member for Southwark.

Mr. APSLEY PELLATT said, after what had fallen from the hon. and learned Attorney General he would not press his Motion.

Motion, by leave, *withdrawn.*

THE POST OFFICE.

Mr. H. BAILLIE said, he rose to call the attention of the House to the system under which the Post Office was administered, and to move—

> "That, in the opinion of this House, the orders given by the Treasury to the Postmaster General, in the year 1848, to establish a Post-office communication, at the expense of his department, between the islands of North and South Uist, Harris, and Barra, should be carried into effect without delay."

In point of fact, the House should bear in mind that the Postmaster General had not perfect control over his own department, but was under the direction of the Secretary to the Treasury, who held in his hands at the same time the patronage of the Post Office, the Customs, and the Excise, and distributed it with the object of gaining political support for the Government. Thus, the head of the Administration, as First Lord of the Treasury, presided over a department engaged in something which fell little short of bribery and corruption. The patronage of the Post Office was distributed not among the deserving clerks and subordinates, but mainly for political purposes; and the administration of the department, with its double system of management, was in every way cumbrous and absurd. The case to which he wished to call the attention of the House furnished an instance of this. Near the coast of Skye were five islands, which contained somewhere about 20,000 inhabitants, and possessed Post Offices established by the Government. Practically, however, the inhabitants of these islands had never received the advantage of the penny postage stamp, for they had been compelled to maintain the packets which conveyed their letters to the islands. In 1848, during the pressure of the famine, the people refused to pay for these packets, which consequently ceased to ply, and all postal communication was cut off. At the request, however, of his constituents, he had waited upon the right hon. Gentleman the then Secretary for the Home Department, and he wrote to the Treasury, who at once consented to bear the expense of these packets. The Government, from that time, undertook to maintain the communication as far as the island of North Uist, but they had never carried it further. The charge thrown upon the poor inhabitants of the islands for keeping up the communication was very heavy, the cost of maintaining the boats being about 80*l.* a year. That sum was raised by subscription, but as many of the inhabitants refused to contribute, the cost was borne by those among them who were unwilling that the postal communication should be altogether interrupted. He did not ask any favour in this case at the hands of Her Majesty's Government, but he contended that those whose cause he urged upon the attention of the House were entitled to be placed, with respect to facilities of postal communication, upon the same footing as any other class of their fellow-subjects. He trusted, therefore, that neither the House nor the Government would suffer the inhabitants of these islands, poor though they were, to be subjected for the future to the inconvenience he had described.

Notice taken, that forty Members were not present; House counted; and forty Members not being present;

The House was adjourned at a quarter after Seven o'clock.

HOUSE OF COMMONS,

Wednesday, April 25, 1855.

MINUTES.] PUBLIC BILLS.— 1° Church-Rates Abolition (No. 2).
3° Affirmations (Scotland).

MARRIAGE LAW AMENDMENT BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. WALPOLE: Sir, in moving that this Bill be read a second time this day six months, I hope that, as the subject to which it relates is one which affects some of the nearest relations of social intercourse and domestic life, I may be permitted to trespass for a short time upon the patience of the House. The present House of Commons have never had this subject fairly submitted to them, and I therefore think it will not be unbecoming, nor, perhaps, unprofitable, if I call their attention more particularly to it. By this Bill it is proposed to introduce a law or custom with reference to marriage, different from any which has hitherto prevailed in this country, and as I know there is some confusion, if not inaccuracy, on this part of the subject, I am anxious to press upon the attention of the House how important it is for us to bear in mind that from the earliest times down to the present the prohibition with regard to marriages has been always the same, whether it has been a prohibition relating to marriages on the ground of consanguinity, or on the ground of affinity, both being contracted and both being dissolved by the same law; and, therefore, when any one proposes to make a change in a law of this description, it is incumbent upon those who propose the change to show some strong and urgent reason that would justify us in sanctioning it. In the year 1835, by an Act introduced by Lord Lyndhurst, an alteration, which in my opinion was wise and judicious, was made in the then existing law, and that, I believe, is the only change which has ever been made in the law of marriage from the earliest times. Down to that period all marriages, without exception, that lay within the prohibited degrees of consanguinity or affinity were simply voidable; that is to say, they might be set aside by a suit or proceeding in the lifetime of the parties, but could not be voided or set aside if either of the parties were dead. Since 1835 this difference has been made, that all marriages that were voidable before are *ipso facto* made void to all intents and purposes; but there is no difference in this respect with marriages with a deceased wife's sister or niece, and any other marriage within the prohibited degrees. The present law of marriage, then, having, with the alteration to which I have referred, existed for so long a period, I think that grounds stronger than mere clamour should be established before we agree to change it now. They were called upon now to declare that marriage with a deceased wife's sister or niece was to be lawful in future, but they were not asked to touch any other marriage which is equally prohibited, although they are exactly in *pari naturâ* to be the marriage of a woman with her husband's brother or her husband's uncle. What are the feelings of the people of this country with regard to the change now proposed? They are all of them adverse to it. With regard to Scotland, a late Lord Advocate stated to the Commissioners who were appointed to inquire into the subject that the people of that country looked with the greatest abhorrence upon those marriages which it is now proposed to legalise. With regard to Ireland, another witness bore similar testimony before the same Commission, observing with truth that the moral feeling of the people of that country, whether Roman Catholics or Protestants, was opposed to such marriages almost universally. Is it in England then that this change in the law is wished for? Why, the Commissioners in their Report have told you that a large majority of the people of England are equally opposed to those marriages; that the great bulk of the clergy think them wrong; and the House will recollect that the last time this question was raised no fewer than 11,000 of the women of England brought their petition to the foot of the Throne, praying Her Majesty most earnestly, by the feelings which actuate their common sex, not to sanction a change in the law which they firmly believed would be so detrimental to their safety, happiness, and peace. Now, what are the reasons supposed to be urged in favour of this change? The arguments urged in support of the Bill may, I believe, be classed under two heads. The first is that the present prohibition relating to these marriages is an undue restraint upon natural liberty, or, as I think it was called by the hon. Gentleman who introduced the measure, an undue restraint upon religious freedom. The other argument, which embraces almost all the social reasons for the change proposed, is that, by the continuance of the law as it at present stands, you deprive a widowed husband of the means and opportunity of providing for his orphan family the best guardian they can have to replace the mother whom death has deprived them of. In these two propositions I believe may be contained all the arguments ever adduced in favour of this measure; but I think I can satisfy the House that neither of them ought to be sufficient to induce us to make such a change as that proposed. The general answer to these arguments is obvious. In the first place, nothing can be considered an undue restraint upon religious liberty or upon natural liberty if that restraint can be shown to be consonant to the general feeling of moral purity, or if it can be shown to be consonant and agreeable to the general injunctions of religious truth. With reference to the social question, I am willing to concede that in many cases the aunt is the very best of guardians for an orphaned family, but it is for that very reason, and in order that she may be preserved to them as the best of guardians, that I would not turn her into a bad stepmother. These are general answers to the propositions laid down on the other side, but let me now grapple with them a little more closely. The religious part of the question, as far as it assists the change contended for, principally turns upon the construction of a certain disputed verse in the 18th chapter of Leviticus, which, according to our version, runs in these words—"Thou shalt not take a wife to her sister to vex her, in her lifetime." Now the hon. Gentleman opposite (Mr. Heywood) says that this amounts to an express permission, and that, therefore, in the revealed declaration of the will of God such marriages are not only allowed and sanctioned, but even, I believe he would say, encouraged. In reply to this, I should first observe, that the most you can make of such a verse as this is to draw from it an inference—for there is no express permission to contract such marriages either in this or in any other part of the sacred writings. But what is this inference, and what are the consequences which flow from it? The hon. Gentleman says, in effect, that because a man is forbidden to marry the sister of his wife during her lifetime he may, therefore, marry her after his wife is dead. But might no other inference be drawn from this passage? If you choose to conclude from it that a man is only forbidden to marry his wife's sister during the lifetime of his wife, may you not draw another inference equally sound—namely, that he may marry at the same time any other two women provided they were not sisters. The hon. Gentleman would thus, if his reasoning were carried out, involve himself in an enormous difficulty, and, with his philanthropic and benevolent feelings, might be called upon to bring in a Bill next year to enable a person to have any number of wives he pleased. In strict logical reasoning, I am sure the hon. Gentleman cannot get out of this difficulty. Yet as far as we know anything of the Divine will upon the subject of marriages, polygamy, though practised, was never allowed. The revelation of that will is either contained in the original command given to man at the time when marriage was first instituted, which command was ratified and purified by our Saviour's injunctions, or it is explained by the illustrations and examples, which limit our freedom in conformity with that command, within the rules in that chapter of Leviticus to which reference is so often made. Taking either the first or the second authority, I think you will find it is hardly possible to say that these marriages are sanctioned by the law of God. Go to the former, or the Divine command as originally given to man, and confirmed by our Saviour's injunctions afterwards, and then you will find that this command and these injunctions unquestionably determine that they have thrown around the marriage state so deep a mystery, they have given, as it were, so complete a oneness to the marriage union, that those who have vowed to live together as man and wife according to the terms of the Divine appointment must, if there be sense and meaning in words, have also contracted, by force of their union, all the duties, obligations, and sympathies which both of them owe to the themselves and each other, in all the relations and intercourse of life. Well, then, the moment you recognise the principle that a man and his wife are one with each other, the law of God and of nature too, which prohibits the intermarriage of a man with his own sister, must also prohibit the marriage of a man with his wife's sister also. Now, is there anything in the Levitical rules opposed to this view. Far from it. With the single exception of the disputed 18th verse, all the rest is in perfect harmony with the original command. There are altogether thirteen prohibitions enumerated, and out of this number no less than seven are of kindred by marriage, while only six refer to kindred by blood. It follows, therefore, that affinity is placed upon the same footing as consanguinity, and, being so put upon the same footing, the Levitical prohibitions and the original command with reference to marriage at the time of its institution correspond with each other; and consequently you must admit that if a man cannot marry his own sister he cannot marry his wife's sister either, and here it appears that even by the Levitical law, the effect of marriage is to make man and wife so completely one, that the kindred of the husband becomes the kindred of the wife, and *vice versâ*, the kindred of the wife becomes the kindred of the husband. Again, these thirteen enumerated cases are all applied to the male sex only, but nobody will contend that the prohibition depends upon the sex of the parties. If it be incestuous for a man to make a particular marriage, the same kind of marriage under similar circumstances when made by the woman must be incestuous also. Now, follow up this reasoning. In that chapter of Leviticus it is distinctly said that for two brothers to marry the same woman, one after the other, is an abominable thing. Well, if that be so, I want to know why two sisters marrying the same man should not fall within the same condemnation. To that argument I confess I can see no answer, and this is the basis upon which the law of Christendom has been always founded. Jewel observes—and the observation is unanswerable—" When God commands that I shall not marry my brother's wife, it follows directly, by the same rule, that He forbids my marrying my wife's sister, for between one man and two sisters and one woman and two brothers is like analogy." Taking, then, the Levitical illustrations as illustrations of what you may do with reference to marriage, and not as a specific enumeration of the only cases in which you may marry, you must be driven to inference as to certain cases not mentioned in that chapter to see whether the marriage is prohibited or not. There are three rules which may be laid down for our guidance in this matter. The first is, that where you are prohibited in the remoter degree you must of necessity be prohibited in the nearer degree also; the second, that since you are prohibited in cases of consanguinity and affinity alike, you cannot apply the prohibition in the one case only; and the third is, that though these prohibitions are all addressed to one sex, you must transfer and apply them equally to the other as well. These are the reasons which have convinced me that these marriages, of which our sanction is now desired, are contrary to the Divine will. I do not wish, however, to rest my case exclusively upon religious considerations, with regard to which many good and pious men are divided in opinion, although where a doubt exists in a matter of this sort, the safest course is the wisest and the best, and unless there is some overwhelming reason on the other side, it ought to be the one adhered to. Sure I am there is enough to make us pause before we run the risk of doing or sanctioning anything which may, by possibility, be an express violation of the law of God. Leaving, however, the religious part of the question, which has always made a deep impression on my own mind, I will pass now to the social advantages which it is said will be derived by the adoption of this Bill. These advantages may all be included in the one proposition I have before alluded to—that you are giving to a man after the death of his wife an opportunity of providing a good guardian for his motherless children. Will that argument only apply to one side of the question? Does it not equally hold good of the other side? I have shown you already that there are only a few persons in this country, comparatively speaking, who are desirous of this change in the law. May I not ask you to pause, and consider whether there is anything more deceptive (though I believe there is nothing more common) than to draw a general conclusion, which you are now doing, merely from the partial and narrow view of particular instances? It may be true that there are some persons so influenced, either by interest or by passion, as to have broken the law. But is that a reason why the law should be altered, when the great weight of authority and of opinion is against this alteration, and when you learn that multitudes of individuals are healthfully restrained from the commission of that which may be detrimental to other portions of the community? It may be true that some 1,560 cases of marriages of this description were ascertained after a searching and diligent inquiry for eight or nine years throughout the country. But I ask you to consider, if the same search were made in another direction, whether even a larger number of bigamy cases might not be discovered in the United Kingdom, and would you then say, because you found some 1,500 or 2,000 cases of that kind, that therefore it was necessary to alter the law of marriage and allow any man to have two wives? Again, it may be perfectly true that some few persons have gained the advantage of excellent guardians and protectors to their motherless family by intermarrying with their late wives' sisters; but I ask you to consider whether, for every case of that description which can be discovered, you might not find twenty other cases where the widower would prefer that the aunt should be the guardian of the orphan children in the character of an aunt, instead of constraining her by this change in the law either to give up the guardianship altogether, or to become their stepmother. This, to my mind, is a most important consideration, and one of which you ought not to lose sight. Remember the state of society in which we live. By what may be called an instinctive sense of propriety and delicacy of feeling, no single woman can ever live in the house or under the roof of a man she may eventually marry. The wife's sister may do so now, because the wife and the husband know there is no possibility of their future union. Repeal the law, however, and when the wife dies the wife's sister can no longer undertake the guardianship of her orphaned nieces, can no longer by any possibility live on the same terms of intimacy with the widowed husband, and cannot continue to render those services to the children which are attended with such great advantage to the motherless family. Now, I ask you this—will you for the sake of a few exceptional cases change the law, and say that on account of such exceptions you will deprive large numbers of persons of the advantage they now enjoy in obtaining for their family the guardianship of the aunt, which the deceased wife would probably herself desire, and which, after all, is the best substitute—I agree with my hon. Friend there—for a mother's love and a mother's care? My belief is, that you seriously diminish the chances of such guardianship, instead of securing them as you profess to desire. But this reasoning applies only to the death of the wife. I wish you now to consider whether a more serious evil will not arise to the state of society while the wife is living. Here is a question which more nearly affects the other sex than our own. We cannot appreciate so well as the other sex can the inestimable value of our present laws as regards the familiarity with which the wife, the wife's sister, and the husband can now live; but I hold in my hand a short letter on the subject, one of the most beautiful and touching letters which ever was penned—a letter published when this question was last before the House—purporting to be addressed by a lady to my most excellent and much valued Friend, Sir Robert Harry Inglis. I defy anybody to read this letter without feeling they are incurring a heavy responsibility if they make this change. The writer, describing herself as an Englishwoman, and a widow, has pointed out the fearful effect which any such alteration in the law will have upon society, and especially upon the female sex. She tells us distinctly that the reason why everything is pure now is because it is safe; that continued restraint is, in her own language, "removed temptation;" that removed temptation is woman's security; and that, by means of this security, the sister becomes, not in name only, but in fact, the sister to the husband as well as to the wife. She goes on to point out that thus, by means of marriage, the sphere of all our domestic relations and affections is extended and enlarged, but that, if you alter the law, this sphere will be narrowed and confined; that familiarity is uninterrupted because it is innocent; that there is no fear because there is no danger, and no jealousy because there is no suspicion. Now, I appeal to those who support this Bill to answer these arguments if they can, though, for my own part, it baffles my comprehension to understand by what reasoning they can be answered. But the lady writer of this letter does not end here. She goes on to say, in effect:—Remove these restrictions—change the law—and what a change you will introduce at once into the state of society! Restraint will become the rule between us, and the husband must put a check even upon the exhibition of his own brotherly feelings. The sister must stand aloof or keep at a comparative distance from the house in which she can now reside as a sister; the wife will lose to a great extent her sister's affection, and the holiest affections will thus be checked and driven back for fear they should be suspected of finding an outlet in the polluted streams of unsanctified desire, or (what is as bad for our social happiness) in the bitter waters of contention and strife. I almost wish I could read the whole of this beautiful letter; but this is a summary of the arguments contained in it. Well, Sir, I have already pointed out that, after the wife's death, you will lose the advantage of the sister's guardianship—that great advantage which you now enjoy owing to the state of the law, and to the restriction which puts a check upon criminal desire, because it declares that it can never be gratified. My hon. Friend (Mr. Spooner) will probably reply, "All this reasoning is very well as applicable to the higher classes of society, but you have to legislate in this matter for the lower orders; it is their requirements you have to attend to; and they live together in such crowded towns and with such miserable accommodation that you cannot prevent these marriages without driving them into a state of concubinage." Now, there would be great force in this argument if it were founded on fact; but what appears from the statistics got up by the supporters of this measure? The 1,560 cases of marriage of this description have been carefully analysed, and it has been found that 100 came from the higher ranks, upwards of 1,400 from the middle classes; and how many does the House suppose from among the lower orders? Only about fifty. And then I am told that this is a poor man's Bill? Why, it is just the reverse. It is a Bill encouraged and promoted by those who ought to be studying to raise the standard of morality, instead of lowering it. It is a Bill promoted and encouraged by those who ought to set an example of obedience to the laws, instead of instigating others to violate them. That argument, therefore, I think, will not hold, and if not, what are the grounds upon which we are to be called on to pass this measure? I wish some Members of the Government were present to whom I could appeal. [The Attorney General was the only occupant of the Ministerial bench.] I am aware that the hon. and learned Gentleman is in favour of this measure; but, though I should like better to address his chief, I will ask even the hon. and learned Gentleman if he thinks it wise to continue an agitation on this question unless there is a chance of carrying it? Are you not, by adopting this course, leaving society in a miserable state and encouraging people to violate the law by the hope that the law will be altered in their favour? And if you do alter it and allow these marriages, remember that they may have a dangerous effect not only upon domestic society and upon private virtue, but, I fear in the end, upon public morality also—

"Fœcunda culpæ sæcula nuptias
"Primùm inquinavere, et genus, et domos."

But it does not rest there.

"Hoc fonte derivata clades
"In patriam populumque fluxit."

Pause, I entreat you, before it is too late. Remove no landmark and take away no fence unless you can see distinctly beyond them a landmark and a fence as strong as those you have now got, and which will prevent all future inroads in a similar direction. This Bill takes away the present landmarks, but what prospect does it give you for the future? If you pass the present measure, what, by logical consequence, will follow? Supposing this privilege is given to the man, I utterly deny that you can withhold it from the woman also. Then, if you adopt the rule followed in foreign countries, as some wish to do—as though the morality of foreign countries was better than our own!—see what it will lead you to. You will go to Germany, to Prussia, to some other of the Protestant States, and you will then have to admit that a man may marry his wife's daughter, or even his own niece. I do not stop here. If you take the line of argument which I see constantly adopted, and draw a distinction between consanguinity and affinity, what will be the consequence? In the table of prohibited degrees you have thirty degrees enumerated, twenty of which are cases of affinity and ten of consanguinity. Are you going to remove them all? I say, if you adopt this line of argument you must remove them all; nor will you be able to stop there; for, if you adopt the rule of taking the Levitical prohibitions, and of abiding by what marriages are laid down and what are not laid down there, the consequence will be that a man may marry his own daughter. [Mr. Spooner: No, no!] My hon. Friend says, "No, no!" but will he turn to his Bible? and, if he does that, he will see that such a marriage is nowhere distinctly prohibited. The fact is, you have only one safe rule to abide by, and that is to take the original command, ratified and purified by our Saviour's injunction, and to say at once, as you have always said, that the marriage of a man with a woman carries with it such a complete union that the kindred of the one from that time forward becomes the kindred of the other. I have thought much upon this question, and I am free to declare that, after the utmost deliberation and consideration I can give it, I can find out no plain, no clear, no definite rule for our guidance but that. Strongly impressed as I am, therefore, with the necessity of adhering to some safe and intelligible course, I adopt that rule because I believe it to be consonant with the law of God, because I am sure that Christendom for 1,500 years has so considered it, and because this country has never recognised any other. I beg the House, therefore, to reject a measure which will sacrifice the interests of the many to gratify the pleasure of a few, which can only be done at the expense of scandalising the consciences and offending the principles of a large majority of the inhabitants of this realm, which is detrimental alike to private virtue and to public morals, and which will lead the promoters of the measure, if they are consistent with themselves, by the recourse to further and other restraints, to ulterior consequences, so strange and so alarming that they would tremble at the prospect of realising them.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

The ATTORNEY GENERAL said, he had listened with great attention and interest to the arguments of his right hon. Friend, but he was bound to say that the reasoning he had heard had not in any way shaken his deep conviction that the law which the House was now asked to repeal was an unnecessary, a tyrannical, a mischievous law, and one which it was discreditable to them to allow to remain any longer upon the Statute Book. It was fully admitted that it imposed a restraint on the natural feelings of mankind, and therefore ought to be repealed. The arguments used in support of the existing law were of a twofold character. It was said that social and domestic evils of very great magnitude would result from promoting marriage with a deceased wife's sister. Before discussing the defects of the existing law, he would briefly refer to an argument derived from a different source. It was said the question was already settled, the law of God having forbidden these marriages and declared them incestuous. Of course, if such a law were really in existence, they were bound at once to submit to it, and there would be an end to the question; but when he turned to the text in which the prohibitory law was said to be contained, he found that, so far from containing a prohibition against the marriage of a deceased wife's sister, it conveyed the very opposite meaning. The prohibition contained in the text was for the avowed purpose of preventing pain and vexation to the wife; and the conclusion to be drawn from the words used was, that they applied to a time when the wife was living and subject to annoyance and pain, and not to a time when death had relieved her from all pain and annoyance. When he found that the law was addressed to a people amongst whom polygamy, though not expressly sanctioned, was undoubtedly occasionally practised, and that the ground of the prohibition was, that the man should not marry the wife's sister, in order that he might not be tempted to put away his wife and take her instead, he was confirmed in supposing that the prohibition must refer to a period when the wife was living. With the exception of a small ascetic sect, the Hebrew people, to whom the law was addressed, always considered that the marriage with a deceased wife's sister was permitted and not prohibited, and in all ages such marriages had been sanctioned. It might be said, possibly, that the people of this country were not living under a Hebrew dispensation, but under a Christian dispensation, and that they were, therefore, to look to the laws enjoined by the Christian Church. If they looked to the practice of the first ages of the Christian Church, he granted that they must consider these marriages unlawful. But let it be recollected that Christianity took root under the shadow of the Roman law—by a fiction of which a person marrying became as closely related to the kin of the person married, as that very person was. Consequently, by that law a person could not marry his wife's sister, and this prohibition was congenial to the ascetic habits commonly prevailing in the early ages of the Christian Church, and subsequently practised. Second marriages were looked upon as heterodox, and third marriages were totally prohibited as abominations; the marriages of bishops and priests with widows, and their second marriages were also prohibited. It was not to be said that ages in which such principles were established should furnish our rule of conduct. In the Roman Catholic Church these marriages were considered as marriages which could not be entered into without the express sanction of the Church, but they were never rendered void; they were simply matters of dispensation, and the Roman Catholic Church never took upon itself to grant dispensations in marriages which were considered incestuous and prohibited by the law of God. At the present time there was not a single country in Europe, with the exception of England, in which the marriage with a deceased wife's sister was not celebrated and held to be legal when a dispensation had been obtained. Throughout all Protestant countries it had been permitted as not contrary to the law of God, and how was it that in this country it was prohibited? The dispensation which Henry VIII. sought to obtain with regard to his first wife must not be overlooked. Failing to obtain that dispensation, Harry obtained from one of the most servile Parliaments that ever existed, an Act which had reference to this particular class of marriages. He (the Attorney General) urged these arguments, not for the purpose of asserting that the doctrine of the English Church was not entitled to the highest authority, but to show that this was a matter in which every man ought to be left to the free exercise of his own conscience and opinion. When Protestant Europe was divided in opinion as to the construction to be placed upon the Levitical law, what right had the Parliament of this country to impose upon those who conscientiously differed from them their particular views upon the subject? The large majority of Dissenters were of opinion that the marriage with a deceased wife's sister was not contrary to the law of God, and what right had Parliament to put their construction upon a doubtful text and dogmatically enforce that construction? It was said that very serious evils would result from a change in the law in a social respect; that, looking to the unreserved intercourse which took place between a husband and his wife's sister, if they removed the artificial barrier which at this moment prevented the possibility of an undue intimacy existing between them, they would expose the husband to a temptation to which at present he was a perfect stranger, and would create a state of domestic immorality fatal to the morals of the people generally. It was also said that a change in the law would be to the wife a source of perpetual unhappiness and misery, and that with regard to the wife's sister, the consciousness that she might become an object of desire to the husband of her sister—that at a future time she might be capable of forming a conjugal union with him—would prevent the existence of that unreserved intercourse which now existed and would drive the sister from the home of the wife. These were most serious considerations, and, if it could be shown that such consequences were likely to ensue, he admitted that it would be most unwise to alter the law. But the whole of the arguments adduced in favour of the law were purely speculative, and not one particle of fact had been brought forward in their support. He entirely denied that any evil consequences would result from the alteration of the law, and he held that the advocates of the existing law unjustly defamed the morality of the English husband. The anticipations of evil were purely theoretical and speculative, for what had been the result where the experiment had been tried? The right hon. Gentleman who had just addressed the House discussed the question as though it had never been tried upon a great scale, and not as though the Legislature of this country were the only persons in the Christian world who prohibited these marriages. In Roman Catholic countries the marriage with a deceased wife's sister was not prohibited, in the case of an ecclesiastical dispensation being obtained; and who ever heard of domestic immorality between the husband and the wife's sister being the result in those countries? In Denmark, Sweden, Holland, and the United States, countries where the state of domestic morals was certainly as high as in this country, these marriages were permitted; but would they have been tolerated if the monstrous evils urged against them had been realised? Turning to the reverse of the picture, were there no evils upon the opposite side of the question? In the first place, the law had been openly violated or covertly evaded. They were told that from 500 to 600 of these marriages took place every year, and that in the course of the last twenty years no less than 12,000 marriages of this description had taken place. This might be an exaggeration, but no doubt many marriages had taken place, and the time would come when the consequences would be most disastrous. It was not those, however, who had contracted the marriage who would suffer. They satisfied their inclinations, and in their consciences believed that they had not violated the law of God. If they made laws against which human instincts and affections revolted, it was not to be supposed that human nature would not seek to liberate itself from their tyranny. The ill consequences of maintaining the present law would fall on those who might hereafter find themselves deprived of their just rights and legitimate expectations, and who might curse the day that had reduced them to misery. Nor was it only amongst the affluent class that the wish to contract these marriages prevailed. It was in vain to say that these cases were limited to a small number of instances. He believed that it was in the experience of all who were acquainted with the rural population, that these cases were common; and it was a cruel thing to drive these poor people into a kind of connection which might be a moral one, if the law did not drive them into one which was worse. That man took a mistaken view of the business of legislation who thought it was not the duty of the Legislature to deal with human nature as it found it. The business of law was to direct human action into a right course, and not to drive it into wrong; but, by preventing the marriage with a deceased's wife's sister, a gross state of immorality was engendered. Even supposing that the evils on both sides were balanced, was there no positive good prevented by the operation of the existing law? It was said that it was a woman's question, but, to his mind, it was a question of motherless children. Take the case of young children deprived at an early period of that most estimable of all God's blessings on earth—the fostering care of a mother's hand. Was it desirable to commit their young and tender years to the charge of a stranger, or to place them in the hands of one whom they had already learnt to look up to and love as a mother? But it was said that the Bill would prevent the wife's sister living with the father of her sister's children. But if the husband were young enough to marry again he might marry a stranger, and then the children would lose the protection of their aunt. He believed that the fears which had been expressed with respect to the repeal of the present law were wholly imaginary, while the evils which that law created were real and substantial. The present law prevented the positive good inherent in these marriages, and therefore the time was come when it ought to be expunged from the Statute Book. To those who thought these marriages wrong, the present law was unnecessary, while to those who thought them right it was an intolerable tyranny. It was, indeed, said that, after all, the Act of 1835 effected no such very great change in the law, for that these marriages were previously voidable. But any attempt to void them was looked upon with so much disfavour that it was rarely made; and besides that, if they were not voided during the lifetime of the parties they were thenceforth not voidable. But, before expunging the law from the Statute Book, let them consider how it got there. Twenty years ago the law stood upon a very different footing, the marriage between a man and his deceased wife's sister being not void, but voidable. Some years ago, however, a noble and learned Lord introduced a Bill, which, in deference to a distinguished person who had contracted one of these marriages, legalised all marriages which had been previously contracted, but rendered them illegal in future. Thus it was, that the mild dominion of the old law was exchanged for the tyranny of the present. The absence of the noble Lord at the head of the Government had been regretted, on the ground that he would have interposed to endeavour to stop the agitation on this subject. He (the Attorney General) believed, however, that until they could make all mankind admit the policy of the existing law, and until they could remove the impression that that law was tyrannical and capricious, they would never be able to prevent the agitation of this question. He considered that the existing law was mischievous, uncalled for, and tyrannical; he, for one, would be no party to its maintenance; and he would, therefore, give his cordial assent to the second reading of this Bill.

Mr. WIGRAM said, that the hon. and learned Attorney General had contended that the eighteenth verse of the eighteenth chapter of Leviticus did not prohibit these marriages. But those who opposed these marriages never had said that it did; they contended that that verse did not expressly admit them or remove the prohibition placed on them by the earlier verses of that chapter. For the first thirteen or fourteen centuries after the Christian era the universal Church had acted upon the principle of the present law, and he thought they should not disturb it on light grounds. The law was now settled and well understood; but if this Bill were passed it would be left in an undefined and unsettled state, and constant efforts would be made to disturb and to trench still further upon it. The maintenance of the present law was a matter of the greatest importance to the morality of society in this country, and if the law were invaded in the manner proposed by this Bill a licence and liberty would be indulged in with respect to marriage which would be attended with unhappy results. Whatever opinions might be entertained on this subject by different members of that House, there were very few of them who could approve of the present Bill. If there was any law which ought to stand upon a sound, consistent, and intelligible basis, it was the law of marriage; but he could not understand the proposition that a man should be allowed to marry two sisters in succession, but that a woman should not be allowed to marry two brothers. He thought that if Parliament interposed to vary the law of marriage, the change should be by a measure framed upon a comprehensive view of the subject, and adapted to place the law upon a consistent basis, regulated by some reasonable and intelligible rule. The last clause of the Bill proposed that the measure should not extend to Scotland, and why? Because it was perfectly well known that the feeling of the people of Scotland was so strongly opposed to marriages of this kind that the measure, if it should become law, would be scouted in that country. However, such an exemption in such a law was most objectionable, because it was a matter of the utmost importance that the law of marriage should be uniform throughout the United Kingdom. He considered that there were solid objections to the proposed alteration of the law founded upon the divine prohibition, and upon the social considerations suggested by the right hon. Member for Midhurst (Mr. Walpole); and he conceived that, if any change were made, it ought to be at least one which could place the law upon some sound footing. He should vote against the second reading of the Bill.

Mr. COLLIER said, he thought that the nature of the objections urged against this Bill had very materially changed within the last few years. When a measure of this kind was first submitted to that House, the objections to it were founded upon the high ground, that marriage with the sister of a deceased wife was prohibited by the law of God, and was contrary to the law of nature. That high ground had latterly been evacuated by the opponents of the Bill, and the right hon. Member for Midhurst (Mr. Walpole) now wished to throw the burden of proof upon those who supported the legality of these marriages. He (Mr. Collier) considered, however, that when the question was whether a man and woman could lawfully marry, those who objected to such marriage were bound to prove, if they could, that it was prohibited by the law of God; and he denied that any but the most paramount social considerations could justify them in putting asunder those who were joined together without any contravention of the divine law. The foundation and basis of the Act of Henry VIII., and of subsequent legislation on this subject, were the law of God, but that argument seemed to have been virtually abandoned, for the right hon. Member for Midhurst admitted that it was doubtful whether such marriages were prohibited by the divine law, and that the question was one upon which the bench of bishops could not agree. The main objections to this Bill rested entirely upon social grounds, or he would rather describe them as sentimental grounds. With respect to the supposed scriptural prohibition, there was not a text which bore directly upon the subject, and the verse which had been quoted from the 18th chapter of Leviticus, though prohibiting marriage with the sister of a wife during her lifetime, inferred a permission to contract such a marriage after the wife's death. One of the arguments against this Bill had been founded on the fact, that the Scriptures prohibited the marriage of a man with the widow of his brother. It was, however, utterly impossible to maintain that a man was prohibited from marrying the widow of his brother on the ground of incest, because, in Deuteronomy, a man was commanded and enjoined to marry his brother's widow if she had no children. The hon. Member for West Surrey (Mr. Drummond) had the other night taunted the hon. Member for North Lancashire (Mr. Heywood) with wishing to remove all prohibitions with respect to marriage, and had called upon him to carry out his principle by marrying his grandmother like a man. He (Mr. Collier) hoped the hon. Member for West Surrey would act consistently, and that if his brother should die, leaving a widow childless, he would, in conformity with the scriptural injunction, marry his brother's widow, and raise up seed to his brother like a man. If these marriages were prohibited by the Scriptures, it might naturally be supposed that the Jews, having contracted such marriages, would have been rebuked for their transgression of the law; but all the enumerations by the prophets of the backslidings of the Jewish people contained no mention of this sin; nor was there in the New Testament one word disapproving of these marriages, or of the interpretation which the Jews in this respect had put upon the law. A great deal had been said about marriages of this description being prohibited by the law of nature; but he would venture to express his utter disbelief in a universal law of nature, which, so far as he could ascertain, had been revealed only to the Scotch. Such a law of nature was certainly not written on the hearts of continental nations, whether Protestant or Catholic; nor was it written on the heart of the Pope—nor was it written on the heart of the Parliament of Great Britain, which had passed measures sanctioning marriages of this description. It had been said that these marriages were prohibited by the canons of the Church, but he contended that it was doubtful whether what were called the Apostolic canons, upon which this argument rested, had emanated from the Apostles, and that, at all events, they ought not to influence the legislation of the British Parliament in the nineteenth century. Their origin, probably, did not date earlier than the end of the fourth century; and amongst these canons were also to be found provisions forbidding men to marry widows, actresses, and servant-maids; and yet five of the present bishops had married widows. Then the canons of another obscure council held in Spain had been relied upon. But those canons also forbade candles to be lighted in cemeteries during the day, for fear of disturbing the rest of the saints. He thought it was clear, therefore, that the canon law could not be relied upon as a safe basis for modern legislation. He now came to the statute law. The Act of Henry VIII. was in fact really passed to gratify the lusts and caprice of that Prince; while the Legislature, in fact, agreed to the Act of 1835, with the view of legalising certain unions of persons in a high position in society which were then voidable. Then, with regard to the social question. The real fact was, that the existing law sought to accomplish what could not be attained by legislation. It was impossible to make a man regard his wife's sister in the same light as he did his own! Equally fruitless, he believed, was the attempt to make the deceased wife's sister an affectionate aunt, by preventing her becoming the step-mother of her nephews and nieces. The House, likewise, must not forget that marriages of this nature were legal in foreign countries, and that those who were disposed to contract such marriages had only to cross the Channel, where they might form matrimonial connections which were perfectly legal abroad, and the validity of which was not likely to be questioned in this country. The existing law had been violated—it would be violated, it must be violated, because it interfered with the proper and natural course of one of the strongest passions of humanity. Upon these grounds, he would vote for the second reading of the Bill.

MR. NAPIER said, it appeared to him that the onus was cast upon those who sought to change the law, and not upon the other party, to give satisfactory reasons for making this tremendous experiment. The present law, he contended, was sacred in its foundation and salutary in its results. The hon. and learned Gentleman who had last addressed them was under a misapprehension when he said that the religious ground had been abandoned by the opponents of the proposed Bill. He certainly did not understand his right hon. Friend (Mr. Walpole) to do so. On the contrary, his right hon. Friend had put that point forward prominently and primarily. He, however, apprehended that it did not weaken the Scriptural foundation of the law if they found by experience that it was attended with salutary and beneficial results. On the contrary, if he found that the law which they supposed to be in conformity with Scripture had produced satisfactory results, that fact would rather tend to corroborate the truth of its Divine origin than otherwise. The hon. and learned Gentleman the Attorney General had complained of the tyranny of the present law. But what was the fact as regarded Ireland? He would venture to say that all classes in that country, high and low, rich and poor, viewed the proposed change in the law with abhorrence and disgust. When he (Mr. Napier) heard the accommodation of the poor alluded to, he looked to the lowly cabins of Ireland, and among them—the poorest and the humblest—he was bound to say of all persuasions—where, with all the miserable accommodation possessed by the poor, they would nevertheless find in general as large an amount of domestic propriety as the world could exhibit. Among the poorest and humblest in Ireland there was a deep religious sentiment of domestic propriety, and he could truly say he never heard of a case of incest in that country. The people of Ireland were utterly opposed to this measure, so were the people of Scotland; and the hon. Gentleman opposite, knowing that they were so, had not attempted to extend it to that country. Why, then, did he seek to force it on Ireland? There was in the history of the Church and of Christianity one continuous stream of testimony against such marriages. It was his deliberate and solemn conviction that the present law was based upon the law of God, as well as included in the social expansion of Christianity. In this view he was borne out by the testimony of all the reformed Churches, who were unanimous upon the subject; so, likewise, was the conclusion of some of the great lights of the Reformation, and of the ablest and best commentators upon the Holy Scriptures. The presumption, therefore, was all on the side of him who took his stand upon this testimony against the doctrine propounded by the other side. The present law harmonised with the opinions of the people of Scotland, the people of Ireland, and a large proportion of the people of England. Who, then, was the presumptuous man referred to by the Attorney General, as forcing his own opinion on others in this matter? In all the changes which had been made, and all the experiments that had been tried, there was not enough to cause him (Mr. Napier) to give up the comforts of English family life for the customs of America, of Germany, or of Denmark, or of other nations on the Continent. Believing that the present law was founded on the basis of religious and social principles of the best nature, he was not prepared to peril the blessings of an English home, or to incur the awful responsibility of enacting with a law of man which he believed would run counter to the law of God. A great deal had been said of the law of nature. What was the law of nature in this case? Who could venture to define it? Lord Stowell said that marriage was the parent of civil society; it should be held as of Divine origin. If the Word of God was looked to, it would be found that the chapter in question was founded on a general principle, and that it laid down certain restrictions. The Jewish law, however, was to be read with the full light of Christianity. Christianity brought back the marriage system of the Jew to one of purity and principle. The Jews themselves, according to the testimony of the Rev. Mr. Jacobs, held that their traditional law excluded the marriage of two sisters in succession;" and in the light of Christianity we could say no less. Marriage symbolized that mysterious unity which was set forth in Christianity, and it was just by adhering to this unity that the marriage law could be kept in accordance with the will of God. Therefore it was that the wife's relations became the husband's relations. In marriage the parties were described as "one flesh," and our Lord said, "Whom God hath joined let no man put asunder." It was the duty of Christians to bring this unity closer and closer, whereas the effect of the present Bill was to relax the marriage unity. We were called on to recede from the point to which society had advanced under the light of Christianity—to go back behind the position to which the Jews had attained. We were called on to bring down our marriage arrangements to meet the requirements of the passions or the lusts of a few persons who were unable to bear the restraints of law. Looking for a moment at the authorities on this question, he found from an able work published by Mr. Gibson, of Glasgow, which contained much valuable information, that we had in opposition to these marriages the Jewish Church, the early Christian Church, the Church of the Waldenses, the Reformed Church of France, and such men as Calvin, Beza, Poole, the celebrated annotator; the learned Hammond, Scott, Henry, and other commentators; that great light of the Reformation, Bishop Jewell, and a host of others whose opinions no man need be ashamed to follow. That was his (Mr. Napier's) answer to the hon. and learned Member for Plymouth (Mr. Collier.) Was the House prepared to repeal that part of the table of degrees which was based upon affinity? The supporters of the Bill relied on the passage in Deuteronomy, in which, by the way, the word was always "wife," not "widow." Why, however, should the prohibition to marry a husband's brother be maintained, if that for marrying a wife's sister was to be removed? This chapter included the cases of affinity as well as of consanguinity. If parallel cases were to be supplied, on what ground was the present case excluded? The Reformation founded its prohibitions in the cases derived from the word of God; and, accordingly, the marriage law in this country had come down to us associated with the great and inestimable blessings of the Reformation. If the tendency of the marriage of a woman with her husband's brother was to lead to impurity of life, so much more would be that of a man's marriage with his wife's sister. The hon. and learned Attorney General spoke of the hardship that would be inflicted on the children of a woman on her death; but the Bill went to deprive a wife during her lifetime of the affection and protection of her husband by sowing jealousy in her mind. Was, however, that House at liberty to set aside the great and mysterious law of marriage unity for these superficial reasons?—to discard the authority of the Established Church, which had this great advantage over continental reformed churches, that it did not coerce, but did not permit private opinion to run loose in every way it liked, without restraint or guidance. Christianity elevated the position of the female sex, it removed all ideas of impurity, and it set up a moral standard for our fallen nature. The institution of marriage as it now existed was Christianity applied to the forms of social life, consequently it was based on the Word of God. The early canons of the old Irish Church, in the time of St. Patrick, perhaps the purest of all the Christian Churches at that period, were opposed to marriages of the nature contemplated by the Bill. St. Patrick himself subjoined his reasons to those canons, which were that a brother should not marry his brother's wife because she was his sister. He said, chap. 25—"*De thoro fratris defuncti.*" "*Audi decreta synodi, superstes frater thorum defuncti non ascendat, Domino dicente. 'Erunt duo in carne unâ'—Ergo uxor fratris tui soror tua est.*" Was a wife's sister less so than a brother's wife? If the affinity was removed as a bar, it would be putting asunder those whom God had joined together, and permitting all the passions of the ignorant poor, or the carnal and sensual rich, to have full range. The agitation that had been excited on this subject was one of passion, not of principle. No expense had been spared to rake up cases, under the pretence that it was for the interests of the poor. He denied that it was for the interest of the poor that society should recede from the point to which it had been advanced by the Reformed Churches; and he asserted that there was nothing to which the Church stood more distinctly pledged than prohibition in such cases. There was another canon of the Church of Ireland, said to be of the eighth century, but probably a century later, which was equally explicit on the point. It said, if any man married two sisters, or any woman married two brothers, he or she should be excommunicated *usque ad mortem*. The 47th canon of the Irish Reformed Church, constructed in 1634 by that great and learned man, Archbishop Ussher, said that no persons could marry within the prohibited degrees set forth in the English table of affinities of 1563, and speaks of such marriages as incestuous and against God's law. In 1561 Bishop Jewell wrote as follows—

> "Albeit I be not forbidden by plain words to marry my wife's sister, yet am I forbidden so to do by other words which by exposition are plain enough. For when God commands me I shall not marry my brother's wife, it follows directly by the same that he forbids me to marry my wife's sister. For between one man and two sisters, and one woman and two brothers, is like analogy or proportion, which is my judgment in this case."

But he (Mr. Napier) would also take the opinions of enlightened laymen on the subject. Chief Baron Gilbert, as reported, said—

> "It is necessary, to perfect the union of marriage, that the husband should take the wife's relatives in the same degree to be the same as his own without distinction, and so *vice versâ;* for if they are to be the same person, as was intended by the law of God, they can have no difference in relations, and by consequence the prohibition touching affinity must be carried as far as the prohibition touching consanguinity."

The 18th chapter of Leviticus, v. 6, he adds, is expounded by the examples which authorise the table of degrees, which is plainly the decision of this reformed Church. Blackstone says, the canonical disabilities are either grounded upon the express words of the divine law, or are consequences plainly deducible from them. The early Church and our own reformers took the same view of marriage as our Lord, when He corrected the error of the Jew by going back to the original marriage arrangement, "They twain shall be one flesh." By the present Bill they were relaxing this unity of marriage, putting asunder those whom "God had joined together." In discussing this question, it had been said that there was no distinct prohibition of these marriages on the face of God's word. In endeavouring to ascertain what the mind of God was on this subject, we were not so much to go by a selected text as by the general tenour of the Scriptures. We were to "search the Scriptures," in order to discover God's will and our own duty. We were first to look at the institution of the marriage where it was described as making the two "one flesh;" then, at the special provisions made for the Jews; and in the light of Christianity we were to form our judgment, drawing closer the unity of the marriage tie rather than unloosing it. Just let the House consider the position in which an affectionate woman would be placed if, with this proposed law in force, she appeared at the bedside of a dying married sister. The very affection she exhibited for her sister and her sister's children would subject her to suspicion and the tongue of scandal.

Once the step was taken, the happiness of English homes was at an end, and there was, moreover, no redress. In fact, if once the step was taken, who could say where it would stop? The Bill said those who should celebrate such marriages were not to be liable to censure or punishment. That, however, was a direct interference with the discipline of the Church. The Bill did not seek simply to repeal the Act of 1835, but in effect to abolish the bar of affinity altogether. But if affinity was abolished, what would be the result; only then see what inextricable confusion would be created. Chancellor Kent said on this point—and his doctrine is worthy of all attention—

> "Under the influence of Christianity a purer taste and stricter doctrine have been inculcated, and an incestuous connection between an uncle and niece has been recently adjudged by a great master of public and municipal law to be a nuisance extremely offensive to the laws and manners of society, leading to endless confusion, and the pollution of the sanctity of private life."

Yet this is not expressly prohibited in Scripture, and when the Bill was first introduced the noble Lord at the head of the Government said he did not consider it contrary to the law of God. Sir Herbert Jenner, however, in reference to the Act 5 & 6 *Will.* IV., said, "The Legislature has expressed as strongly as it could do that these marriages are still illegal, and contrary to the law of God." The noble Lord the Member for London (Lord John Russell) said, alluding to the observation of the hon. Member for Edinburgh, "Hold by your Christianity, and the country is secure." So said he (Mr. Napier). In a recent case, upon an appeal to the Judicial Committee of the Privy Council, Baron Parke delivered the unanimous judgment, and declared the marriage to be null and void, as incestuous and "illegal by divine and human law." Thus, there was one continued testimony of the objection of the Church and of the State to these marriages as unhallowed and illegal down to the most recent period, and yet, now they were called upon in the nineteenth century to go back to the practice of remote ages, and to adapt our laws to meet the case of those who had defied and violated the law of God, and the law of the land, so repeatedly and explicitly enacted. Looking at the subject as a matter of social policy, it was competent for the Legislature to restrict marriages on that ground; and it could not pass such a law as that now proposed without taking on itself a tremendous responsibility. Supposing the question to be doubtful in a religious point of view, still the Legislature would be safe in allowing the law to remain as it stood at present, whereas Parliament, if it said that a particular kind of marriage should be valid, which a great amount of continuous testimony affirmed to be against the word of God, might incur a very great responsibility by introducing this new element into the social system. Admitting that in some parts of the country the people might be so impure as to desire such marriages, still Christianity did not stoop to gratify our passions, and the remedy was to educate the people up to the great principles of Christianity. Christianity undoubtedly made allowances for human infirmity, but it made no compromise with sin. Dr. Chalmers had been mentioned as having, in a passing observation, intimated an opinion in favour of these marriages; but Principal Lee, of Edinburgh, stated that he knew Dr. Chalmers' deliberately expressed judgment to be the very opposite, and that Dr. Chalmers considered that parties marrying within these forbidden degrees should not be allowed to be in communion with the Church. Were the proposers of the Bill prepared to take all the marriage laws of those foreign countries whose example they quoted? Were they prepared to take their multiplied facilities for divorce? The Bill menaced the whole social scheme in this country, which was based upon lawful marriage. It threatened to degrade Christianity, upon which our institutions were founded, by degrading the marriage law. The 18th verse of the chapter of Leviticus, so much relied on, interpreted by the light of Christianity, forbade, by inference, such marriages. Polygamy and slavery were not so expressly prohibited in words in Scripture; they were prohibited by inference; and yet, who doubted their criminality? More plainly prohibited is marriage within certain degrees of affinity. He (Mr. Napier), fortified by the high authority of Scripture, and the identity of view on the part of the lights of the Reformation with those he so weakly expressed, prayed the House to pause before it agreed to the Bill. He would not worship authority, but he would not despise what he was bound to use in forming his own convictions and to bring all to the test and standard of the Divine Word. He would support the Amendment of his right hon. and learned Friend.

MR. MONCKTON MILNES said, that if the arguments used by the right hon. and learned gentleman were addressed by one man to another for the purpose of dissuading him from contracting a marriage of this kind, they would certainly deserve the most serious consideration and carry with them very great weight; but he must protest against the argument of the right hon. and learned Gentleman to force on other Members of the community obedience, not only to the clear precepts of the Word of God, but to his deductions from the Holy Scriptures. Such a principle was the origin of all hierarchical tyranny, and had been the foundation of much persecution on the part of the Church, and of much misery on the part of mankind. What business had the right hon. and learned Gentleman to stand forward and denounce a man who felt his Christain obligations and responsibilities as strongly as the right hon. and learned Gentleman himself, of being actuated by an ill-regulated sensuality if he arrived at the conclusion that he could contract such a marriage as was now under discussion without infringing the law of God? If the right hon. and learned Gentleman's statement were true, that these marriages were only contracted from the motives he had imputed, he (Mr. M. Milnes) firmly believed they would never in that case have become the subject of discussion in that House. It was only because these marriages had been contracted by men otherwise irreproachable in their conduct and respected by their fellow-citizens that that House was called upon to discuss the question. He asked the right hon. and learned Gentleman whether, if these marriages were to be regarded as properly incestuous, the people of this country would have allowed the law on the subject to have remained for so many years in the uncertain and unsatisfactory state described by the hon. and learned Gentleman the Attorney General? It was because he (Mr. M. Milnes) believed that the moral sense of the people demanded the alteration of the present law that he felt bound to support the Bill, and not on theoretical grounds; for his life had been passed among a large community of people deeply interested in the question. He denied that there was any foundation for the right hon. and learned gentleman's insinuation, that the population among which these marriages took place were either ill-educated or corrupted in their social and religious condition. On the contrary, the practice existed among the most intelligent and best educated classes in this country. Surely, the right hon. and learned Gentleman would hardly call the people of Leeds, among whom a feeling in favour of these marriages prevailed, sanctioned by the opinion of Dr. Hook, an ignorant population living without spiritual guidance? When, then, he found clergymen, as well as a large majority of the people among whom he lived, in favour of the present Bill, and when he knew that the idea of such marriages being legal before a certain day, and not legal afterwards, was repulsive to their sense of justice, he felt that he could not with propriety do otherwise than support the proposition before the House. What the advocates of the present measure maintained was that marriages of consanguinity were contrary to the law of God; but that marriages of affinity were modified in different countries to a certain extent, according to circumstances of a social and political nature; and at all times the Roman Catholic Church had assumed the right of dispensing with any regulations with regard to marriages of the latter description. In Portugal the permission to marry with a wife's sister could hardly be procured by any influence whatever, whereas a dispensation for a marriage between an uncle and a niece was easy to be obtained, thus showing that dispensations with respect to affinity marriages were not regulated by any absolute law, but by the judgment of the Church as to what was best suited to the habits and temper of a people. He did not say that these marriages were in any degree to be encouraged, but he drew a distinction between the advisability of them and the right of the House to prevent them. He was aware of the terrible consequences which the present law entailed on the children of those persons who contracted these marriages, and he felt that that number was growing larger every day. From his own experience in the neighbourhood where he lived he knew that the frequency of these marriages daily increased, and, before long, the right to an immense mass of property among the middle classes would be hanging on the decision of that House with respect to the present question. There was a large number of persons in a state which the law declared to be illegitimate, but which public opinion, and especially the opinion of the society among whom they lived, declared to be legitimate. The present condition of the law must necessarily create great discontent, and he entreated the House not to inflict on an innocent progeny the injurious consequences of an enactment which many persons as wise as any to be found in that assembly believed to be unjust.

MR. KER SEYMER said, that the hon. and learned Attorney General had presented himself to the House that day in a new capacity. The chief law officer of the Crown had appeared as the advocate of those who had deliberately broken the law, by means, in some instances, no doubt, of perjury; for many of these marriages could not have taken place except through the aid of a false oath. He had hoped that the House would not again have been called on to discuss this question, and that the existing law would have been acquiesced in; but that seemed now to have been only a pleasing delusion, and when he saw advertisements of a society for procuring an amendment of the law of marriage, with a treasurer, secretary, and clerks, he began to be aware of what must follow. A greater sham was never attempted to be imposed on Parliament than that it was the poor who were agitating for the present Bill. If the poor were the only parties concerned they might depend upon it the House would never have heard of the measure. It was not the poor who sent lawyers' clerks through the country at great expense to obtain signatures to petitions. He did not wish to argue this question on scriptural grounds, though he thought the argument against the Bill, founded on them, to be perfectly maintainable, but he conceived that the House of Commons was the least adapted place for the discussion of strictly religious questions. He could not, however, entirely pass over what might be called the ecclesiastical view of the case. The House was now for the first time called on to place the law of the land in direct opposition to the law of the Church. He could conceive a case when it might be necessary to do that; but it must be, he maintained, a case of great necessity, and, he asked, did that great necessity exist in the present instance? There was no doubt that the 99th Canon was binding on the clergy, and in connection with the law had hitherto been a guide to the conduct of the laity. Look, then, at the position in which the present Bill, if passed, would place the clergy, declaring, as it would, that they might break the law of the Church with impunity, if they pleased, or they might refuse to do so. This was a most unfair position in which to place the clergy. The great objection, however, which he entertained against abandoning the law of the Church was, that it would be impossible, then, to tell where to draw the line. The modern Nonconformists were not safe guides on this subject, for Dr. Cox, a Baptist minister, who was examined before the Commission, stated that he had no objection to any marriages where there was no consanguinity, for he considered that marriages within the degrees of affinity ought to be tolerated. The clergy, too, of the Established Church, who had abandoned the rule of their Church on this question, had got into the greatest confusion with reference to this particular point, and one of them, who was examined before the Commission, actually did not know the difference between degrees of consanguinity and of affinity. The old Nonconformists were not so lax as their descendants, for Matthew Henry, in commenting on the chapter which had been so often referred to, thus expressed himself—

> "It has been generally laid down as a rule, that what relations of a man's own he is bound not to marry with, the same relations of his wife's he is likewise forbidden to marry, for they two are one."

The practice of Protestant Germany with regard to the law of divorce must completely prevent us from taking her as a guide in these matters, as was suggested. The law of divorce there was plainly opposed to the law of Christianity; for, while that law only admitted of divorce *a vinculo matrimonii* for one cause only, the law of Germany granted it for various reasons. Many thoughtful and religious men in Germany deeply lamented this state of things, but the perversity of human nature was such, and the license probably so agreeable, that all efforts for a change in the law had been unavailing. They had been also told to look to America, and to the opinion of Mr. Justice Story; but Mr. Justice Story stated that though marriages between brother and sister were incestuous, it was impossible to extend the principle beyond that limitation. Such opinions were very dangerous, and it was the prevalence of such laxity of opinion regarding the marriage state that had given rise to Mormonism and the Mormon republic. With reference to Roman Catholics, Dr. Pusey and Dr. Wiseman had given evidence—the first, straightforward and clear, the other, as it appeared to him, with a view to mystify the question. With regard to the practice of the Roman Catholic Church on this point, hon. Members were probably not aware that the very first dispensation which was granted for a marriage with a wife's sister was granted by the infamous Borgia, who also granted a dispensation for the marriage of an uncle with a niece. The dispensations of the Roman Catholic Church, therefore, could not add any great force to the arguments in favour of these marriages. It was rather a singular thing, considering that the Roman Catholic priests were in favour of the alteration of the law, that the whole of the Irish people, instead of going along with their priests, as usual, were universally opposed to these marriages. Female purity was one of the most distinguished virtues of the Irish character, and the relations between the sexes there were on a high footing; and very naturally, therefore, marriages of this description were disliked and condemned by the Irish people. It was said that we ought to trust to nature to draw the line; but it was not said what sort of a nature it was that was to be trusted to. What we read with regard to the habits and customs of nations in a state of uncultivated nature would scarcely lead us to suppose that there was any great restraint practised among them in those matters, while, as for civilised nature, at ancient Athens—the most civilised community, perhaps, the world ever saw—marriages with the half-blood were legal, and the law of Rome, after the time of Claudius, allowed the marriage of an uncle with his niece. It had been stated by an hon. Member that this was an interference with domestic and natural rights. He did not understand this kind of argument. We did not interfere with natural rights in several instances, when such a power of interfering was proper and for the good of society. He contended that it was for the good of society that natural rights on the question of marriages should give way to the advantage of the community. Much had been said of the wealth and respectability of the persons who were affected by this prohibition, and who had broken through it. Wealthy no doubt they might be, but with respect to their respectability he demurred. It was not a very respectable thing to marry in opposition to the law—sometimes, if not always, by means of perjury—and to become the father of a family of illegitimate children. Neither was there any force in the argument, that such persons had been well received in society after contracting such marriages. He was afraid that many men were better received in society than they ought to be who had broken the Seventh Commandment, and he had never heard of any gentleman who, having obtained a seat in that House by corrupt means, and having been afterwards unseated on petition for bribery, found that his friends and acquaintances turned their backs on him in consequence. But though that was the case, it was not thought any less necessary to increase the stringency of the law with regard to bribery. The evidence before the Commission was, in his opinion, very one-sided, for the promoters of this change were of course well organised, and took every possible pains to bring forward witnesses to support their own view of the question, while, on the contrary, the opposition, being unorganised, was left very much to take its own chance. The evidence produced, however, by the supporters of the alteration was so redundant that it actually proved too much, and the Commissioners, being conscious of that, were obliged, in some instances, to fall back on their own knowledge, and reported in the teeth of the evidence laid before them. It was urged that the House ought to legislate for the working classes who had contracted marriages of this description; but, with all respect for the labouring classes, he was not inclined to take their conduct and their habits as a guide for the legislation of that House. He very much doubted, however, the frequency of these marriages among those classes, and, even if it were as was represented, the proper policy to adopt was to educate them up to the law, and not to lower the law to the state of degradation in which they might unfortunately be. To the argument that the widower, if he married again, would marry a stranger, he would say that might be so, but there could be no hardship in that, as the sister might still exercise those duties towards the children quite as freely as if she married her brother-in-law. All moral arguments were against this alteration of the law, and it was to the credit of the women of England that they were generally against the change. He could not understand why hon. Members who took up this question did not go the whole length, and sanction, according to Scripture, the marriage of one woman with two men. The supporters of the measure had asserted that the opinion of almost every country in the world was favourable to the measure, but that it was not their intention to extend the Bill to Scotland, because the Scotch Members, in that case, would vote against it. No people cared so little for the canon law as the Scotch did; but bringing to the study of the Bible that intelligence and education for which they were distinguished, they had arrived at the conclusion that these marriages were against the law of God. He warned the Scotch Members that, if this Bill passed, their turn would come next. The late Lord Rutherfurd, when Lord Advocate, in the evidence which he gave before the Commission, stated that he thought any alteration of the law of marriage in England ought to apply also to Scotland, for that the worst consequences would result from having a different marriage law in each country, and from declaring a marriage within certain degrees to be incestuous on one side of the Tweed and legal on the other. Some disappointment might be felt at the rejection of this measure by persons who had built their hopes on its becoming law; but he was convinced that the great body of the people of England, Scotland, and Ireland would support the House in showing a bold front against any change of the law. He believed that the throwing out of this Bill might prevent other Bills of a similar kind being brought forward, and that on this important subject the law of the land, the law of the Church, and the law of public opinion would be, that "a man may not marry his wife's sister."

MR. T. CHAMBERS said, he was somewhat indifferent to the supposed evils on either side, but he was anxious to see the question argued as a religious one. The law could have no justification, except upon a religious ground, and the alteration would have had no justification except upon the same ground. He did not think that the law of marriage ought to be tampered with, but would it be said that the Act of 1835 did not tamper with the law of marriage? He heartily re-echoed the assertion that the law of marriage ought not to be tampered with except the law of God sanctioned the alteration. Ought not the House, however, to remove the disgrace to the statute-book made by the law of 1835? The right hon. and learned gentleman the member for Dublin University

(Mr. Napier), though he had commenced by disclaiming any wish to attribute a conclusive effect to the authorities which he quoted, had yet based the whole force of his argument upon them; but, for his part, there was no point on which he should be less disposed to defer to the authority of the Church than on this of marriage, for on none other had she been so long and so completely and so obstinately wrong. Every prohibited degree must stand or fall by the Divine law, as set forth in Scripture; and a careful examination of the 18th chapter of Leviticus, to which so much reference had been made, convinced him that there was scarcely the semblance of an argument for this prohibition to be extracted from that source. Indeed, it was obvious that that chapter was not a complete code of marriage law, and it inferentially implied the previous existence of a natural law which was binding on the heathen nations as well as on the Jews, because the abominations of the Canaanites in relation to marriage were there denounced as sin, and where there was no law there plainly could be no sin. Again, one of the first conditions essential to a law was, that it should be so given as to be understood by those to whom it was addressed. Now, the interpretation that had been put upon their law by the highest authorities among the Jews in all ages was, that these marriages were not forbidden, but, on the contrary, were rather encouraged; and the Chief Rabbi of that persuasion stated in his evidence that in all their books of rabbinical learning there was not a single opinion to be found in support of their prohibition. Would it, however, be contended that there was such a prohibition in the Divine law, which, although not binding on the Jews in past times, on account of their ignorance and darkened understandings, was nevertheless of imperative obligation on the Christian? Let those who might seriously think of urging such an argument weigh for a moment all the dangerous consequences which it involved. The whole history of the Christian church for many successive centuries proved that the promulgation of no doctrine had been more fruitful in mischief than that which aimed at creating a fictitious and over-strained purity in regard to marriage. The present law of England on this subject did not secure greater morality than would result from the sanction and allowance of marriage with a deceased wife's sister; and experience showed it was impossible to educate the people up to the sentiment which kept alive this prohibition. There being, then, no disallowance of these marriages in the law of God, the next question was as to their desirability in a social point of view, and that was a matter which men should be left to decide for themselves, according to the varying circumstances of each case. The feeling of the people in other parts of the United Kingdom might, as was alleged by the opponents of the Bill, be inimical to the legalization of these marriages; but why was a man in England, who wished to contract one, and saw nothing inconsistent with the Word of God in doing so, to be fettered by the scruples of a Scotch or an Irish conscience? For these reasons, then, and looking at the grievous evils which had befallen civilized society in all times from unwise tamperings with the right of marriage, he would give his vote in favour of the removal of the restrictions dealt with by this Bill.

Mr. WHITESIDE said, that the hon. and learned Gentleman who had just sat down had argued that there was no traditional proof that the Jews from the earliest times objected to a man marrying two sisters. Now, if he had referred to a paper which was handed in by the Rev. R. C. Jenkins to the Commissioners, he would have found this passage—

> "It appears, however, that the traditional law of the Jews did exclude the marriage of two sisters in succession, but whether upon the ground of this passage (in Leviticus), or upon some more general law, does not clearly appear."

An eminent authority on the same point was the work of one of the most learned, profound, and respected authors of antiquity—namely, Philo-Judæus, who lived before the commencement of the Christian era. Philo-Judæus having described this command not to espouse two sisters as an injunction of great excellence, and one which contributed greatly to temperance and good order, and having also commented on the bad laws of other States, permitting incestuous marriages, proceeded as follows—

> "On which account our lawgiver (Moses) has also forbidden other matrimonial connections, commanding that no man shall marry his granddaughter, whether she be his son's or his daughter's child; nor his niece; nor his aunt; nor his grandmother, by either father or mother; nor any woman who has been the wife of his uncle, or of his son, or of his brother; nor, again, any step-

daughter, whether virgin or widow, whether his own wife be alive, or even after her death. For, in principle, a stepfather is the same as a father, and, therefore, he ought to look upon his wife's daughter in the same light as his own. Again, he does not permit the same man to marry two sisters, neither at the same time, nor at different periods."

Further on, the same writer said—

> "And sisters are like limbs, which, although they are separated from one another, are nevertheless all adapted to one another by nature and natural relationship. And jealousy, which is the most grievous of all passions, is continually producing new, and terrible, and incurable mischiefs."

The hon. and learned Attorney General denounced the existing law on this subject as tyranny—a strange argument, assuredly, from one who ought to be the luminous expositor of the common law of the country! His allusion, no doubt, was to what was called Lord Lyndhurst's Act; but Lord Lyndhurst introduced no new law. Lord Chief Justice Campbell, in his profound and lucid speech on this subject, said—

> "The agitators went about the country, asserting in the most positive terms that until Lord Lyndhurst's Bill passed, these marriages were sanctioned by the law of England. Now, the fact was, that Lord Lyndhurst's Act had made no alteration in the law; it had only altered the mode of procedure by which these unlawful marriages were to be set aside. There had been previously a great defect in the law of England on this point. Marriages, however censurable on the ground of incest, were not void. Even if a man married his own sister or his mother, he (Lord Campbell) was ashamed to say that that was not a void marriage; it stood good until it had been set aside by the decrees of a competent judge. Lord Lyndhurst's Act properly provided that those marriages which heretofore had only been voidable should be void, as they had been before the Reformation, and as they were in Scotland at this time. Lord Lyndhurst introduced no new law, but only improved the mode of procedure—the manner in which the law was to be in future enforced."

From the second century downwards these marriages were not allowed in this country, and although the Act of 1835, operating retrospectively, prevented them from being annulled, it still left the persons who had contracted them responsible for their incestuous conduct to the Ecclesiastical Courts. Lord Campbell said it was natural and reasonable enough, where ignorance and confusion as to the law existed in the country, to secure the marriages contracted in such a state of things from being annulled; but there was no instance on record of men who knew the law, and yet with their eyes open wilfully violating it, appealing successfully to Parliament to induce it to accommodate the law to their wishes, and thus making their deliberate infraction of it an argument for the change. Again, there was the authority of Lord Brougham, whose enlightened mind was not fettered by technicalities, but always took a comprehensive view of every question to which it applied itself. That noble and learned Lord said—

> "The truth was, those marriages were void *ab initio;* but, as it required the sentence of a court of law to declare them void, the expression came to be used, that they were voidable. All that the sentence did was to declare the invalidity that already existed."

Lord Brougham's opinion, therefore, was in conformity with that of the head of the common law of this country. One of the concluding clauses of this Bill declared that the Act should not extend to Scotland, but it would be absolutely impossible to pronounce marriages incestuous in Scotland which would be perfectly legal in England. And on this point one of the petitions against the Bill, presented within the last few days from Scotland, very justly observed—

> "Your petitioners believe that if such a Bill become law, it will be contrary to the Word of God, destructive of the peace and privity of families, and an outrage on the best feelings of the great majority of the inhabitants of this country. Your petitioners are aware that the present Bill is not intended to apply to Scotland; but this does not remove their objections to it. Besides, they deem it impossible that the law on such a subject can remain different in the several parts of the kingdom for any length of time."

They were constantly approximating towards an assimilation of the commercial law of different parts of the kingdom, and yet, on a much more important and even a sacred question, they were now asked to establish one law for England and another for Ireland and Scotland. It was earnestly to be hoped that the House would discourage all such attempts, and, following the advice of the Lord Chief Justice, and deferring to the most learned and pious authorities of all antiquity, put an end once for all by a decisive majority to the further discussion of this subject; and let them not for a moment be deterred from rejecting the Bill by the threat of the hon. and learned Member for Plymouth, which he must have borrowed from certain orators of the sister country—namely, that if the House threw out this measure, his cry would be, "Agitate, agitate, agitate!"

Sir WILLIAM HEATHCOTE moved the adjournment of the debate.

Debate *adjourned* till *Wednesday*, 9th May.

The House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, April 26, 1855.

Minutes.] Public Bills.—1ª Affirmations (Scotland).

Royal Assent.—Convention with Sardinia; Purchasers Protection against Judgments; Lunacy Regulation Act, 1853, Amendment; Commons Inclosure; Dean Forest, &c.

TELEGRAPHIC COMMUNICATION BETWEEN BALAKLAVA AND LONDON.

The Earl of HARDWICKE rose to put a question to the Government which had reference to a subject of great public importance. It had been reported that the telegraphic communication was so nearly completed between Balaklava and London that the Government had had some opportunity of knowing what had occurred even within the last twenty-four hours. He, therefore, ventured to ask if such were the fact; and, if so, whether the Government could communicate anything material to their Lordships from the seat of war?

The Earl of HARROWBY said, that the First Lord of the Admiralty had received a telegraph from Balaklava within a space of less than twenty-four hours. However, it merely announced the opening of the communication, and conveyed no intelligence with respect to the siege.

EXPORT OF HORSES.

The Earl of MALMESBURY asked the President of the Board of Trade whether the Government had any means of supplying a return of the number of horses exported from this country within a certain period to be specified? because, if so, he should move for a return on the subject. He was induced to ask this question as the subject had a not unimportant bearing on the war now going on in the East. It had come to his knowledge that within the last six months an immense number of horses had been exported from this country to France, and that during the last three weeks 1,000 horses had been exported from Folkstone alone to that country. It was well known that one of the most important elements in the service was the supply of horses, and so large an exportation must prove extremely detrimental to the supply of our cavalry, which was already more than deficient; and he wished to ask the Government whether, under the circumstances in which the country was now placed, they thought it wise that an unlimited export of horses from this country should be allowed to take place? He should not object to the export of stallions to France; but, under present circumstances, he thought we should, as much as possible, keep brood mares and young horses in this country. He believed that the price of horses had risen as much as 10 and 15 per cent, and surely nothing could be so absurd as that the French Government should be bidding against us for the horses which were wanted for the service in which the two countries were engaged. It was like a man and his commissioner going into an auction room, and bidding against each other. He should, therefore, like to know whether the information he required could be furnished, as in that case he would move for returns.

Lord STANLEY of ALDERLEY replied, that there would be no objection to the return desired by the noble Earl. The attention of the Government had been called to the fact, but he was not aware that a larger number of horses than usual had been exported except to France. He was not prepared to say that the Government had any intention of limiting the exportation of horses at present.

Lord CAMPBELL said, that some years ago, when he was Attorney General, there was a great exportation of horses, and the question then arose whether or not the Government could prevent the exportation; it was his duty to examine into the law on the subject, and he found that there had formerly such a power been given by ancient statutes; but that such statutes had been repealed, and the Government had now no power to prevent the exportation.

The Duke of NEWCASTLE said, that when Secretary of State for War his attention had been drawn to this subject, and he had procured a return from the Custom House, showing the number of horses exported during the first nine months of last year. He did not find, however, that that number, though considerable, was much greater than during the corresponding portion of 1853. Of course he could not state what had been the case during the last three or four months.

THE EARL OF MALMESBURY imagined, after what had been stated, that there could be no objection to his moving for a return of the number of horses exported from this country from the 1st of January, 1854, to the present time. The number exported in time of peace had no bearing upon the number exported now, when the price for cavalry horses had risen 20 per cent, and there was considerable danger of a scarcity. He reminded their Lordships, also, that the disasters wich our army in the East had experienced last year might be traced mainly to the inefficiency of the land transport.

EARL GREY presumed that the Government would consent to the Motion; but, at the same time, he could not help expressing his great satisfaction at hearing from his noble and learned Friend the Lord Chief Justice, that the Government had no power to prohibit the exportation of horses without passing a law for that purpose, and he hoped that no law would be introduced which would throw any impediment in the way of the due profits of exportation. That was a course which he hoped Parliament would not be induced to adopt; for it was impossible to conceive a more short-sighted policy than that of attempting to throw difficulties in the way of owners of horses turning them to the best advantage. The supply which the noble Earl desired would best arise from that very rise of price of which he now complained. Indeed, he believed that such a course would tend to increase the scarcity, for their Lordships would remember that this was not the only country in want of horses, and, probably, if the Government restricted their exportation, other nations would follow their example, and we should have great difficulty in procuring such a supply of horses and mules as was absolutely necessary, for it must not be forgotten that we were purchasing horses and mules in other countries.

THE EARL OF MALMESBURY did not wish in the least to interfere with the freedom of trade in the exportation of horses, but he did not conceive that keeping brood mares in the country would have any other effect than to encourage the breed of horses. He very much doubted whether horses in any number were imported into this country; but in order to ascertain the fact he would also move for a return of the number imported as well as exported within the period he had mentioned. He believed that while the number exported would be found to be very large, the return of the number imported would be *nil.* With respect to free trade, he had opposed it, but he had no wish to interfere with it again. The question was settled, and there was an end of it.

EARL GREY observed, in explanation, that he did not mean that horses were purchased in large numbers for this country, but for the use of the army in the East.

LORD VIVIAN reminded the House that the extra price given by the Government for horses was to be accounted for by the fact, that whereas before the war, they purchased animals of three and even two years, they now bought only those that were from five to eight years old.

THE EARL OF HARDWICKE said, he had as little wish as his noble Friend could have to interfere with free trade; but it was important to consider whether it would not be carrying free trade too far to permit the exportation of horses at a moment when this country was at war. What did France do? France would not permit horses to be exported from her shores. Throughout Europe and the whole world it was found that the animal was not produced in sufficient quantities to enable the purchasers of horse flesh to obtain it at a moderate price. We were notoriously the first breeders of horses, and we had the best blood of horses; and all his noble Friend (the Earl of Malmesbury) said was, that we should so far preserve our brood mares as to maintain our improved breed of horses. Although a good free trader, he could not see in what way the restriction, so far as his noble friend proposed, would interfere with its beneficial operation.

Returns ordered.

THE CONFERENCES AT VIENNA.

LORD LYNDHURST, in the absence of the noble Earl the Secretary of State for Foreign Affairs, begged to ask the noble Marquess the President of the Council (meaning the Marquess of Lansdowne) a question which he and every Member of the Cabinet must be competent to answer. The noble Marquess was aware that by the treaty of the 2nd of December the parties to that treaty were bound to each other, in the event of peace not being concluded on the basis mentioned in the first article—that the Allied Powers would, without delay, deliberate on such measures as would be necessary to give effect to the principles agreed upon; and the question he had to ask was, whether this deliberation had been entered into at present? And, if so, whether this deliberation was entered into during the residence in Vienna of the noble Lord (Lord John Russell) and the French Minister for Foreign Affairs, and if such deliberation had been brought to any result?

THE MARQUESS OF LANSDOWNE: When the noble and learned Lord calls on me to answer, as the organ of the Government in this House, and as President of the Council, he invokes a departed spirit. In the absence of the Secretary of State for Foreign Affairs, I am not able to answer, nor do I think that he would, if present, be able to state till the arrival of Lord John Russell, which will be in a few days, what has taken place in Vienna—if, indeed, anything has taken place.

The House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, April 26, 1855.

MINUTES.] PUBLIC BILLS.—1° Parish Constables; Downing Street Public Offices Extension; Woolmer Forest; Personal Estates of Intestates; Grants of Lands.

2° Loan; Income Tax; Customs Duties; Spirit Duties (Scotland and Ireland; Despatch of Business (Court of Chancery).

BURIALS IN VAULTS—QUESTION.

GENERAL PEEL said, he wished to put the following question to the right hon. Baronet the Home Secretary:—By a clause in the Burial Act a discretionary power was vested in the Secretary of State for the Home Department, to grant a licence in certain specified cases for interment in vaults. That power, however, was never exercised except on the report of a Government Inspector, but that report could never be obtained in time for use. He would, therefore, beg to ask the Secretary of State, whether in any town, where a *primâ facie* case can be shown that such licence may be granted without detriment to the public health, he would cause an inspection to be at once made of all such vaults as the proprietors may wish to have reported upon?

SIR GEORGE GREY said, the hon. and gallant Gentleman had stated the effect of the provision in the Act with perfect accuracy. The discretionary power vested in the Secretary of State was qualified by law. He was to exercise it when it could be done without prejudice to the public health, and of course he would not feel justified in doing so, except upon the report of a medical inspector. Everything must depend upon the circumstances of the case, and it was necessary that a strong *prima facie* case should first be made out. The licence was obviously impracticable where a person was dead, because there would not be time to make previous inspection, and the Secretary of State was not justified by law in granting a licence without the report of a medical inspector.

INCOME TAX DEDUCTIONS—QUESTION.

MR. W. LOCKHART said, he wished to ask the right hon. Gentleman the Chancellor of the Exchequer, if it was his intention, in dealing with the income tax, to remove the injustice to which the proprietors of lands and houses in Scotland were subjected, in respect that no deductions were allowed to them for rates or taxes, in accordance with the practice in England and Ireland?

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Gentleman seemed to be under the misapprehension that there was a difference in the law of England, Scotland, and Ireland, with regard to deductions allowed to landlords for the income tax. That was not the fact, as the law was precisely the same in all three countries. An allowance was made in respect of rates charged to the occupier, but none in respect of rates charged to the landlord. Those rates which must be by the law of England charged on the landlord, stood as part of his assessment, and were not deducted from it in England or Scotland more than in Ireland. It was, however, true that there were certain rates which in Scotland fell on the landlord and not on the tenant, but in England fell on the tenant and not on the landlord. In that respect, practically, the landlord in Scotland was under a disadvantage as compared with the landlord in England, but the law was precisely the same in both countries. It was not his intention to propose any change in this respect in the Bill that would be introduced.

THE CAMP AT ALDERSHOT—QUESTION.

COLONEL BOLDERO said, he begged to inquire of the First Lord of the Treasury what arrangements had been made as regarded the intended encampment at Aldershot, and whether the force would conconsist of cavalry, yeomanry, artillery, line, and militia regiments?

VISCOUNT PALMERSTON said, arrangements had been made for erecting at Aldershot huts for 10,000 men, the greater part of which were already prepared, and the rest would very speedily be ready. The intention was to have there twenty regiments of militia, some regiments of the line—how many was not exactly determined—three battalions of field artillery, and two or three troops of cavalry. It was not intended to have any yeomanry, as that force was called out only for eight days, and if they were sent to Aldershot, unless their head-quarters were very near, the whole time of training would be lost in marching, and it was not desirable to take the persons composing that force for too long a period from their natural avocations.

COLONEL BOLDERO: If they volunteered for permanent duty?

VISCOUNT PALMERSTON: The permanent duty of the yeomanry is for eight days.

CAVALRY IN THE CRIMEA—QUESTION.

MR. NOEL said, that in consequence of the casualties of war, our cavalry force in the Crimea had been nearly destroyed, and was at present unable to take the field. It would be most satisfactory to know that reinforcements had been sent out, and he therefore begged to ask the hon. Under Secretary for War what steps had been taken to increase our cavalry force, and to maintain the effective establishment of the different regiments; and also, whether it was the intention of the Government to forward without delay, in steam transports, large draughts of the different cavalry regiments now in the Crimea?

MR. FREDERICK PEEL said, the establishment of the cavalry force at the present time, as compared with its amount at the same time last year, was, he believed, just double, both with regard to men and horses. An arrangement had been made that each regiment of cavalry in this country should raise for active service about 120 men and 300 horses. The cavalry force in the Crimea had been increased by bringing from India two cavalry regiments which had passed through Egypt and had now reached their destination. In addition 550 men and double that number of horses were now on their passage from this country to the Crimea; and upwards of 1,100 men and horses had been ordered to proceed to the same destination. One of the ships which had been taken up for the conveyance of these reinforcements was a steamer; the others, he believed, were sailing vessels. He might further state that it was intended to form at Scutari a reserve of about 150 men and horses for each of the cavalry regiments now in the Crimea.

MR. NOEL: Are those reserves to be forwarded by steam transports?

MR. PEEL: It is very difficult to obtain steam transports at the present time, therefore some sailing vessels must be employed.

TELEGRAPHIC COMMUNICATION WITH BALAKLAVA—QUESTION.

MR. LAYARD said, he understood the electric telegraph to Balaklava was to have been opened either yesterday or to-day. He wished to know if any information had been received from the seat of war by its means; and if so, whether the noble Lord had any objection to state what was the nature of that information? Also, whether the telegraph was to be open for the use of the public?

VISCOUNT PALMERSTON: Sir, the hon. Gentleman has been correctly informed, the telegraph is open, and my right hon. Friend the First Lord of the Admiralty received a message to-day and one yesterday; but it did not contain any news from the Crimea—it simply announced that the telegraph was open. I am not able to answer my hon. Friend's other question, as to whether any arrangements will be made for opening the use of the telegraph to others than the Government. I will give him an answer to that another day.

MR. LAYARD: Then there is no information whether the bombardment of Sebastopol has been successful or not?

VISCOUNT PALMERSTON: The telegraphic message did not bear upon that.

SIR CHARLES WOOD said, perhaps he might be permitted to state that he yesterday received by the telegraph a message from Sir Edmund Lyons, dated the day before, acknowledging the receipt of a communication from the Admiralty; and to-day another message from the consul at Bucharest, stating that he had no news to communicate.

MR. ROEBUCK said, he begged to inquire if he rightly understood the First Lord of the Admiralty to say that the telegraph was entirely open from this country to Balaklava? If so, how long would the transmission of a message between the two points occupy?

Sir CHARLES WOOD said, it was not open the whole of the way to Balaklava. The submarine telegraph was laid down from the Crimea to Varna; but there was no telegraph between Varna and Cape Kaliega. As soon as the wire could be laid down along that distance the communication by electric telegraph would be complete. The message received yesterday, the 25th, from Sir Edmund Lyons, was dated the 24th.

Mr. ROEBUCK: Then in twenty-four hours we could communicate with Balaklava. Under these circumstances would the noble Lord at the head of the Government think it within the scope of his duty, seeing the natural anxiety of the public upon the subject, to communicate without loss of time whatever might happen there?

Viscount PALMERSTON: I may state to the House that it is my intention to request my noble Friend at the head of the War Department to urge upon the commander of the forces to let us have every day some information of what is passing at the seat of war.

SPIRIT DUTIES (SCOTLAND AND IRELAND) BILL.

Mr. FAGAN said, he begged to ask if it was intended by the Chancellor of the Exchequer to amend the schedule of this Bill, so as to remove the objections made to it by the compounders, rectifiers and dealers in Spirits in Scotland and Ireland, on the ground that it subjected their stock in hand to the increased rate of duty?

The CHANCELLOR of the EXCHEQUER said, the effect of an augmentation of the duty on spirits, on former occasions, had been to charge spirits, whether in bond or duty paid, in the hands of distillers, but not to charge spirits which were in the hands of wholesale dealers. It appeared, however, to the Government that there was no difference in principle between spirits in the hands of distillers and spirits in the hands of wholesale dealers, and they accordingly included both classes of persons in the Resolutions they had proposed to the House. In taking that step they were influenced by the information they had received as to the large quantity of spirits which had been taken out for consumption in Scotland and Ireland before the financial statement was made on the part of the Government. In the fortnight ending the 7th of April last the quantity of spirits upon which duty was paid in the district of South Argyll was 37,594 gallons; in Edinburgh, 36,494 gallons; Glasgow, 87,204 gallons; Linlithgow, 18,366 gallons; and Stirling, 39,182 gallons; while in the fortnight ending the 21st of April the quantity upon which duty was paid was, in the district of South Argyll, 105,462 gallons; in Edinburgh, 146,309 gallons; Glasgow, 376,690 gallons: Linlithgow, 72,593 gallons; and Stirling, 105,800 gallons. He found also with respect to Ireland that the amount of spirits upon which duty was paid in the fortnight ending April 7, 1855, was in Belfast, 77,928 gallons; in Cork, 43,064 gallons; in Dublin, 76,522 gallons; in Drogheda, 28,205 gallons; and in Waterford, 15,835 gallons; while in the fortnight ending the 21st of April, the quantity was in Belfast, 121,440 gallons; in Cork, 99,632 gallons; in Dublin, 145,623 gallons; in Drogheda, 60,660 gallons; and in Waterford, 71,200 gallons. It was clear, therefore, that the dealers, speculating upon some probable increase of the spirit duty, had taken a large quantity of spirits out of bond in the fortnight preceding the announcement of the budget, and this circumstance explained the intention of the Government to apply their Resolution to the wholesale dealers. He fully admitted the importance of precedents in matters of this kind. As they were now imposing a large additional duty upon spirits in Scotland and Ireland, it might perhaps seem somewhat unfair on the part of the Government to depart from the ordinary custom, and possibly when in Committee he might be enabled to modify his original proposition.

Mr. DISRAELI said, he wished to know whether the same answer would apply to other articles on which the duties had been augmented?

The CHANCELLOR of the EXCHEQUER said, a considerable additional quantity of sugar had been taken out of bond, but only a small quantity of tea.

CONFERENCES AT VIENNA—QUESTION.

Mr. BRIGHT: I wish, Sir, to ask the noble Lord at the head of the Government whether he is prepared to lay on the table of the House papers that will give full information as to the transactions that have taken place at Vienna, in order that at some early period the whole of this question and the condition of the country with regard to the war may be taken into consideration by the House? I observe that the Foreign Minister, in giving some information upon the subject in another place, has promised that all the papers connected with it shall be laid upon the table, and I trust that the same course will be followed in this House.

Viscount PALMERSTON: There is nothing, Sir, more reasonable or more common than that when a correspondence is communicated to one House of Parliament, it is communicated to the other House also; so that when the papers to which my hon. Friend has referred are laid on the table of the House of Lords, they will be laid on the table of the House of Commons likewise. I do not undertake to fix any particular day when the papers will be produced. My noble Friend (Lord J. Russell) has not yet returned home, and, though we have had telegraphic messages up to a particular date, I am not in a position to name the day on which the papers will be laid on the table. I can only say that no unnecessary delay will occur in giving to the House the fullest information.

Mr. BRIGHT: Sir, I shall be prepared, if any undue delay takes place, to make a specific Motion on the subject.

Mr. OTWAY said, he would take that opportunity of asking the noble Lord at the head of the Government, whether the French Ambassador, M. Drouyn de Lhuys, left Vienna at the same time as the noble Lord the Member for the City of London, or if he had left Vienna at all?

Viscount PALMERSTON: I cannot say whether or not M. Drouyn de Lhuys left Vienna at the same time as my noble Friend, but I imagine that he has left by this time.

CUSTOMS DUTIES BILL.

Order for Second Reading read.

Mr. JOHN MACGREGOR said, he should not oppose the Bill at that stage, but should do so strongly in Committee, and at every subsequent stage. If it were not abandoned, he considered that it would create discontent all over the country.

Mr. BLACKBURN said, he wished to call the attention of the House to what had fallen from the hon. Secretary to the Treasury on a former occasion, in reference to the imports of sugar from the West Indies. He admitted that there had been an increase in those imports, but the West India interest received more for the smaller quantity eight years ago than they had received for the larger quantity in the present year; the difference being, independent of the extra expense of producing a larger quantity 782,000*l.* That showed the depressed state of the West India interest, caused by the measures adopted by the right hon. Gentlemen on the Treasury bench, and under these circumstances it was not right to lay an increased duty on sugar, which would certainly cause a further loss to the West India interest to the amount, he should think, of 160,000*l.* a year at least. He wished to ask the right hon. Gentleman the Chancellor of the Exchequer why the duty on tea was to be reduced at the end of the war by the action of the present Bill, while no similar provision was made with respect to the duties on coffee and sugar, which were the produce of our colonies, for which, he thought, we ought to feel a greater regard than for the Chinese.

The CHANCELLOR of the EXCHEQUER said, he would explain the reasons which determined the Government to make the distinction noticed by the hon. Gentleman between the duty on tea and the duties on sugar and coffee. An Act which received the assent of Parliament at the beginning of the Session suspended the further reduction of the duty on tea, but that suspension was limited in the manner expressed in the present Bill—namely, until a year after the conclusion of the war. It was therefore thought in imposing a further duty on tea, that the same rule should be applied. He had, however, hesitated to extend that rule to the duties on coffee and sugar, inasmuch as such a course might appear too much to interfere with the discretion of Parliament in afterwards dealing with those duties. But he would admit that the matter was open to reconsideration, and if, in Committee on the Bill, it should be the general desire to consider the additional duties on tea and coffee merely as war taxes, he should not be disposed to oppose the proposition.

Mr. THOMSON HANKEY said, that with reference to a speech of the hon. Gentleman the Secretary of the Treasury on a former evening, he must say, that the same causes which had recently rendered the cultivation of sugar profitable in the Mauritius had also operated in the West Indies. Twenty years ago, Jamaica alone produced 70,000 tons of sugar per annum; while now it only produced 22,000, and for those the net receipt per ton was only half what it was at the former period, owing to the diminution of price and the increase in the cost of cultivation. He thought, therefore, that the hon. Gentleman was hardly justified in saying that the condition of Jamaica was one of increasing prosperity. In fact, there were only two West Indian colonies which had obtained a good supply of labour which were otherwise than in a state of the greatest possible depression. Jamaica, in particular, was in a comparative state of ruin.

MR. GREGSON said, he very much regretted the absence of reciprocity in our dealings with the Chinese, for while we taxed the commodities imported from them at the rate of 180 per cent, we insisted on their taking ours at a Customs duty of only 6 per cent. He feared that the increase of the duty on tea would materially check our trade with China, and that the Chancellor of the Exchequer would not derive the additional revenue he anticipated either from the increased duty on tea or that on sugar.

MR. T. BARING said, it was a source of considerable regret to him, the selection of articles made by the Chancellor of the Exchequer for the imposition of additional Customs duties; he would admit, nevertheless, that the Customs duties ought to bear their fair share in the additional taxation demanded by the position of the country. Two of the articles chosen for increased taxation were the productions of our own colonies, which would therefore suffer from any decrease in their consumption. While, owing to an Act of Parliament having been passed only at the commencement of the Session, to arrest the fall of the duty on the third article—tea—those interested in the trade naturally supposed that no further alteration in the duty would take place in the course of the present year, and had sent out their orders under that impression. He thought the fair method of dealing with the Customs duties would have been to have raised the whole 10 per cent, which upon the 20,000,000*l.* to which these taxes amounted would have given the Chancellor of the Exchequer all the additional income he desired to raise, from this source. Luxuries would then have paid as much as necessaries, and the measure would not have been open to the objection of selecting for increased taxation only articles of general consumption; and articles which were either the produce of our own colonies, or upon which there was every reason to believe that no increased duties would be levied during this year.

MR. HEYWORTH said, if they placed a duty upon articles of general consumption, it was an inevitable effect that their price should be increased, and their consumption diminished. Not only so, but trade in general must be diminished. For these reasons he regarded Customs duties in general as not based on sound financial principles, and believed that we ought to raise the additional revenue required by direct, rather than indirect taxation.

MR. LAING said, he objected so strongly to the Bill, that, if he were supported, he should be ready to divide the House against it. The principle on which it went involved an entire reversal of Sir Robert Peel's commercial and financial policy, which had been carried out during the last ten years with such success, by the cautious and gradual substitution of direct for indirect taxation, and the removal of duties on articles of general consumption. In fiscal matters two and two did not always make four. If, by an addition to the taxation on articles of general consumption a corresponding increase could be obtained in the revenue, no great objection could be urged to such a proposal in a time of war like the present; but all experience showed that it was perfectly possible to go on increasing the taxation on articles of consumption for an indefinite period, without in the end at all benefiting the revenue; nay, it might be with a positive loss. The plan suggested by the hon. Member for Huntingdon (Mr. T. Baring) of adding a percentage to the Customs duties had been tried, and had failed. It was on the failure of that policy that Sir Robert Peel resolved to meet the necessities of the State by the imposition of an income tax, and at the same time to reduce the Customs duties. What had been the results? Why, that while in the eleven years from 1842 to 1853 the balance of taxes repealed over taxes imposed was 6,716,000*l.*, the revenue had actually increased by 6,891,000*l.* Nay, more, during that period nearly 9,000,000*l.* out of the 21,000,000*l.* raised by the Customs duties at its commencement had been repealed, and yet the revenue from this source had not suffered to the extent of more than 1,000,000*l.* He contended that nothing could be more impolitic than by this Bill to commence the reversal of a policy which had led to such an expansion of trade and commerce, and had so materially contributed to the prosperity of the working classes. If by this means they permanently crippled the resources of the country, it would be a poor consolation that for the first year or two of what might be a long war, they had been able to extract a slight increase of Customs duties from the pockets of the people. Besides, the moral and social effects of the adoption of Sir Robert Peel's policy were of even greater importance than its financial and commercial results. The upper classes, and those who lived by labour of head rather than of hand, had shown, by submitting to the income tax, that they were ready not only to bear their fair share of fiscal burdens, but, if necessary, even to make sacrifices in order to lighten their pressure upon the working population; and their free trade measures had done more to remove discontent among the lower classes, than all the political changes they could name. Now, he would ask, was it wise or safe, then, in the midst of a European war, and with the feeling now prevalent against the upper classes for their mismanagement, to reverse a financial policy from which the labouring population had reaped such advantage, and, before we had submitted to as heavy a property tax as our forefathers sustained in the last war, seek to extract from those who could worst afford it, 1,000,000*l.* or 2,000,000*l.* annually in the shape of increased duties on tea, coffee, and sugar. An augmentation of indirect taxation ought to be resorted to only under extreme necessity; and rather than adopt such a course there were two other alternatives, either of which would be far preferable. One was to raise the additional 1,500,000*l.* or 2,000,000*l.* that were requisite by a further increase of the income tax—an impost which, however liable to objections, pressed more lightly on the springs of industry and the resources of the country than Customs duties. No doubt there was a practical limit to the imposition of direct taxation; but as it would most probably be necessary next year, should the present state of things continue, to raise the income tax to 10 per cent—the amount levied in the last war—would it not be better to fix it at 8 or 9 per cent now, instead of embarking in a retrograde course, and one fraught with such disastrous consequences? The other alternative open to them, and the one which he should have preferred, would have been to lay on further Customs duties to procure this 1,500,000*l.*; let them raise the 16,000,000*l.* loan to 18,000,000*l.*, or even to 20,000,000*l.* The country was yet in a provisional state in regard to the war, and the progress of the summer was likely to throw light on our future position; but it was to be hoped that if the war was to continue, we should not go on throwing away 30,000,000*l.* per annum in prosecuting land campaigns against an overwhelming military Power in its own territory. As a naval Power, we should surely apply ourselves to operations by sea, by which our present enormous military expenditure would be reduced. However that might be, in the existing uncertainty as to the probable duration of the war, it would be most injudicious to attack that great system of commercial policy which had been reared by the labours of the last ten years; and he must therefore give his negative to the second reading of this Bill to record his strong disapproval of its principle.

MR. LABOUCHERE said, he regretted as much as the hon. Member himself the necessity of raising the duties on commodities which entered so largely into the consumption of the people as tea, coffee, and sugar. But it was not necessarily involved in the adoption of free trade that they should insist that, under all circumstances, the burden of the taxation of the country should be borne by direct taxation, and that there should be no attempt to distribute the burden equally amongst all classes, by placing a portion of it upon the country in the shape of indirect taxes. On the contrary, it was clear that, unless they did so, the pressure of the direct taxation would be intolerable. While, therefore, he trusted that the House would adhere to the policy of late years, he could not regard this Bill as in any degree inconsistent with the principle of free trade. Nor was it true, as had been asserted in the course of the debate, that this was the first occasion on which the indirect taxation of the country had been increased of late years; because only last year an additional duty was imposed on malt. With regard to the other remarks of the hon. gentleman who had just sat down, he must say that he thought Parliament would have betrayed its duty had it thrown the whole burden of the war on posterity in the shape of a loan, and not shown that we were ready to bear part of it ourselves by submitting to additional taxes while the war lasted. With respect to the proposition for increasing the income tax to 10 per cent, he (Mr. Labouchere) had a strong feeling that that tax did not press on the rich alone, but that it fell most severely on a class of persons having small incomes and but little able to bear it, and that it likewise pressed on the springs of industry, not perhaps in a very direct, but in a very perceptible manner. He did not think they ought hastily, and, without the pressure of some great emergency, at once to raise the income tax to the full practicable amount before they had endeavoured to equalise the burden of the war taxation by raising a portion of it from the indirect taxes. With respect to the budget of the Chancellor of the Exchequer he was prepared to give it a general support, believing that it was, with a single exception, based upon sound principles. He must say, however, that he entertained considerable doubts as to that part of it by which it was proposed to pledge this country to raise 1,000,000*l.* a year, after the resumption of peace, for the purpose of paying off the debt now proposed to be incurred. He thought that the Legislature ought not to commit itself to a pledge unless there was good reason to believe that it would be kept: but he confessed that he entertained some doubt whether, on the resumption of peace, that fate would attend the one to which he was now referring.

Captain LAFFAN said, he did not intend to offer any opposition to the second reading of the Bill before the House, because the amendment which he wished to see introduced might be made in Committee. He saw no reason why sugar should be taxed in a different manner from wine, or any other article. On wine of all kinds there was a uniform duty of 1*s.* per gallon; but the duty imposed on high-priced sugars was different from that on low-priced sugars. He thought that the rule which obtained with respect to wine should be applied to sugar. The only reason which he could conceive why it was not applied to sugar was, that we made no wine in England, and, therefore, there was no interest sufficiently represented in that House to cause differential duties to be imposed upon the various qualities of wine; but it was otherwise in the case of sugar, for we had in England a large number of sugar refiners, whose interest it was to cause the duty upon low-priced sugars to be small, and the duties upon high-priced sugars, or those which passed through the greatest number of processes in their manufacture, to be large. Let the House consider what was the effect of these differential duties. He knew several estates in the colonies upon which large sums had been expended in the improvement of machinery. Upon one estate in the Mauritius with which he was more particularly acquainted, 30,000*l.* had recently been expended in machinery. But within the last year orders had been sent from England to the parties managing the estate to let a portion of the valuable machinery lie idle and rust, and to cultivate on the estate, which was capable of producing sugar white as snow, none but low-priced sugars, in order to escape the higher duty imposed upon the best article in this country. He would propose, therefore, that instead of the differential duties now laid before the House there should be a uniform duty upon sugar, and that the amount of that uniform duty should be such as would give an equal return to the Exchequer.

Mr. MALINS said, he would admit that direct taxation would be the best of all taxation if all men were equal in point of riches; but a large proportion of the people of this country were in such a struggling state, that the sight of the tax-gatherer was positively distressing to them. The House should, therefore, be slow in acceding to the principle of a large increase of direct taxation. He (Mr. Malins) approved generally of the principle of the Budget, and he was not opposed, therefore, to the moderate increase proposed on the amount of the income tax. But he would be prepared to give any large extension of that tax at a future occasion his most strenuous opposition, as he could not consent to an extension of the principle of direct taxation much further. Considering the disturbance caused to trade and commerce by the augmentation of Customs duties, and also considering that the great operation in which the country was engaged might be the means of effecting a peace, he questioned whether it would not have been the better course to have taken the loan for 20,000,000*l.* instead of 16,000,000*l.* That would give the sum, or nearly the sum, required, and produce no disturbance in the trade and commerce of the country. If the war was to be carried on for years, as it was possible it might, then there should inevitably be some compromise between direct and indirect taxation; but while there was any hope, even the faintest, of peace, he thought it would be the lesser evil of the two to raise 4,000,000*l.*, or 5,000,000*l.*, by way of an addition to the loan, than disturb the commercial transactions of the country, or to increase still more the income tax, which had been doubled last year. At the same time he admitted, that, in his opinion, to put an increased duty on tea, coffee, and sugar, was to proceed on a right principle, and he hoped that it would not be productive of the disturbance anticipated by commercial men in this country. Under these circumstances he gave the Budget his general support.

Sir WILLIAM CLAY said, he considered that the course pursued by the Chancellor of the Exchequer, in proposing an increase of the duties upon tea, coffee, and sugar, was not at variance with the principles of free trade. There was nothing protective in the duties which it was intended to increase. The amount or rate of a duty did not determine its protective quality. Duties were only protective when they were imposed on articles of foreign production at a higher rate than on similar articles of home production; thus giving a bonus to the home producer at the expense of the consumer. He admitted that, theoretically, direct taxation was to be preferred to indirect taxation; but it was impossible—at least impracticable—under the present state of things to confine themselves to direct taxation. During the last twenty years, no less than 25,000,000*l*. per annum had been deducted from the indirect taxation of the country, which pressed chiefly upon the humbler classes, while up to last year almost every fresh tax imposed belonged to the system of direct taxation, which was borne to a great extent by the wealthier classes of the community. It was their duty, therefore, in providing for the expenses of the war, not to confine their attention wholly to direct taxation, and so allow those classes to escape who could only be touched by indirect taxation. He, therefore, approved of the Budget, because it increased the indirect taxation of the country as well as the direct. He did not agree with the hon. Member for Wick (Mr. Laing) that the amount raised by way of loan should have been 20,000,000*l*. He believed there were the strongest economical, moral, and social reasons for endeavouring, to the utmost possible extent, to defray the annual expenditure by taxation rather than by loan. Let the nation feel what it was to be at war, and do not lessen the disposition to peace by diminishing the burdens of war.

Mr. POLLARD-URQUHART said, he could not view without apprehension the beginning of a course of policy opposed to that of Sir Robert Peel in 1841, which had so effectually restored the finances of the country. This nation, high taxed as it was, had been obliged to compete with low-taxed nations in point of manufactured productions, and it never could have done so had it not been for that policy proposed by Sir Robert Peel. The manufacturers of this country were now in a very different position from that which they had occupied during the last war, for the continental manufacturers were not then able to compete with them. At the present time, however, the capital of the continent was employed in manufactures, and our manufacturers ought not to be placed at a disadvantage, as compared with their rivals. He regretted, therefore, that the 1,500,000*l*. increased Customs duties had not been raised by an addition to the income tax; more especially as the duties in question were imposed upon articles, tea, coffee, and sugar, where they would be felt most severely by the poorer classes.

Mr. GLADSTONE: Sir, I rise to do an act of justice to my right hon. Friend the Chancellor of the Exchequer, because it has been stated by the hon. Member for Wick (Mr. Laing), and by other hon. Members, that the House is now about to take a first step in a retrograde course; and hon. Gentlemen have described with justice the mischiefs attendant upon such a course. I am sorry to say, however, that this is not the first step in this direction, because I am the unfortunate person whose duty it was last Session to propose the first step of retrogression, and the first step in the reversal of the great work of the last twelve or fourteen years. It is quite true, as has been stated by the hon. Member for the Tower Hamlets (Sir W. Clay), that the proposed customs duties do not contain the elements of protection, and that so far as that great and capital feature is concerned, we have not reached the point at which we are compelled to encounter that very serious question. Our work has been a double one. Our first and greatest object has been to eradicate from our laws the bad principle of protection, yet, over and above that capital purpose, Parliament has gradually, cautiously, and successfully endeavoured to diminish the pressure of duties upon the great articles of consumption. Last year we took the first step to undo that policy when we laid an additional duty upon sugar and a large additional duty upon malt. These were very great evils, undoubtedly, and I am bound to say that I do not think we shall stop there, but that, on the contrary, if it is unfortunately incumbent upon the House of Commons for several successive years to add largely to the taxation of the country for the purposes of the war, we shall, rely upon it, again have to face the question of protection. Proposals will be made, and have been made to-night by the hon. Member for Huntingdon (Mr. T. Baring) and others, which, if they were adopted, would let in the thin end of the wedge of protection. Undoubtedly, there are some duties in our tariff which partake in a limited degree of the principle of protection, but the hon. Gentleman gave my right hon. Friend the Chancellor of the Exchequer bad advice when, instead of selecting the articles best able to bear additional duties, such as tea, coffee, and sugar, he entirely declined to discriminate, and recommended my right hon. Friend to take the wine duty, which is already the scandal of our tariff and prohibits nine-tenths of the wine of Europe, and puts his 10 per cent upon it—when he recommends him, also, to put 10 per cent additional upon tobacco, the duty upon which is so large that with every precaution it is hardly possible to keep down smuggling—and when he recommends him also to lay 10 per cent upon timber, which must bring in again that element of protection. I am sorry to be a prophet of evil, but I am afraid, if this necessity should continue for two or three years—and if this war should last, instead of diminishing it will grow—the Government of the day, whoever may be in office, will probably find itself so hard driven and in such straits for mere money, that it may be obliged to propose to Parliament to raise money by that most extravagant of all means of raising money—the restoration of protective duties; and in some form or other, protective duties may come to be restored about the time when the last Protectionist in the country shall have died. I believe the number of gentlemen holding this opinion has enormously diminished since the minority of fifty-three voted at the end of 1852; that a multitude of those who struggled for protection would not now take it back if you were to give it to them; and that if there ever comes a time when protection in any shape is restored, it will come by a compulsion stronger than ourselves, and due to the necessities of the war. That will be a most unfortunate thing. But there are some who contend that our increased necessities ought to be met by direct taxation. Sir, that view is purely theoretical and visionary. It is not the abstract qualities and justice of a tax that enables you to raise money from direct taxation. So far as regards justice and equality, there cannot, I think, be a fairer tax than the house tax; yet the house tax is that tax the raising of which is attended with the greatest difficulty in this country, and although any man who will reason upon it would say that a house tax ought to be one of the main resources of our revenue, yet it will be found that it is the source of only a limited and insignificant extent of income. I do not believe that, as it now stands, the house tax supplies more than 1½ per cent of the whole taxation, and yet I doubt whether there is not more dissatisfaction and discontent in raising this tax than in the levying of very much larger sums in other forms. Sir, I cannot disregard these considerations. My right hon. Friend the Chancellor of the Exchequer possesses a powerful engine in the income tax, but he must not attempt to strain it too much. I hope he will remember how much difficulty there is in the whole structure of the income tax, how very reluctant the House has been to give its sanction to the income tax in its present form at all, and how impossible it has been to find any man who would undertake the task of altering that form. Some gentlemen say they prefer indirect taxation, others prefer direct taxation, and others say, I should prefer a loan. My right hon. Friend has, unfortunately, as I conceive, provided the means of meeting all these tastes. Those who like indirect taxation have got indirect taxation; those who prefer direct taxation have got direct taxation; and those who like a loan have got a loan. And although there are some gentlemen who are vexed at the smallness of that loan, and who say that my right hon. Friend ought to have asked for a round sum of 20,000,000*l.*, yet I will venture to remind them that he is not so very far from it, because, although my right hon. Friend only asked for 16,000,000*l.* in Consols and terminable annuities, yet there is a little item which has been overlooked of 3,000,000*l.* of Exchequer bills, which my right hon. Friend has judiciously asked for, to vote as a supply in reserve, and it would not, I think, be a venturesome prophecy to say that he will have occasion to use it, and that those who are so anxious that 20,000,000*l.* should be borrowed will not be very much dissatisfied if they find that the sum will amount to 19,000,000*l.* Sir, I feel the gravity of the steps that have been and are now taken. I feel that we ought to make every effort to diminish the pressure that bears upon the people by the augmentation of indirect taxation; but it is fair to ourselves, and to those whom we represent, that we should fairly realize this truth, that, as in several successive years we have taken off many millions of taxation without loss, so we may now be in a position in which it will be necessary to impose many millions of taxation, without any real gain. In other words, as by the process in which we have been for some years engaged, at a small loss to the revenue we have added greatly to the wealth of the country, so, by the process which we are now commencing, we may, at little gain to the revenue, be about to take much from the wealth of the country and the comforts of the people. No man surely could suppose that we could undertake a war of such gigantic dimensions without anticipating these evils, and I hope we shall not attempt to escape the necessities of the war by falling back upon the miserable expedient of trusting exclusively to loans. This House, I feel convinced, will not commit any treason to its constituents so gross as to evade the difficulty by resorting to the unlimited use of the funding system, an invention which has been a misfortune and a curse to mankind, and which although in particular countries it has been of some use and benefit, yet, when we look at the state into which it has brought the national finances of most of the States throughout the world, when we consider the permanent mortgages which it has created upon the industry of all countries, and, above all, when we consider the miserable, unjust, pernicious, and unjustifiable wars in which this expedient has enabled countries to embark, I look upon this as the source from which more misfortunes have flowed forth upon mankind than, perhaps, from any other. I thought it was only fair to my right hon. Friend to attempt to relieve him from the censure which has been thus cast on him. I think in whatever way we may attempt to deal with the difficulties of our position, the very worst course we can take is to shut our eyes and adopt expedients, which will tend to mislead the public mind, and prevent it from fully appreciating the gravity of those difficulties.

Mr. ALCOCK said, had the right hon. Gentleman the Chancellor of the Exchequer increased the income tax to 10 per cent it would have been unnecessary to add taxes on tea and sugar, or to raise a sum by Exchequer bills. There ought to have been a graduated income tax, taking in all classes. The working people had petitioned to be included in those classes which contributed through the income tax to defray the burdens of the war, because they had sense enough to see that, if duties were laid on tobacco and tea and sugar, they would have to pay the largest share of the amount. He was astonished to hear the hon. Member for Huntingdon (Mr. T. Baring) have the boldness to ask Government to add 10 per cent to the duties on necessary articles of consumption. His principle of finance was to lay the burden where it could best be borne, and to make all pay in proportion to their means. He was prepared to admit the difficulties in which the Chancellor of the Exchequer was placed, and he was not disposed to offer any obstruction to the proposed measures.

Mr. ALEXANDER HASTIE said, he thought it would have been better for the Chancellor of the Exchequer, in the second year of the war, to have borrowed 2,000,000*l*. more, rather than to have disturbed the trades in tea, sugar, and other articles, which were to be subjected to higher duties. He wished to direct the attention of the right hon. Gentleman to the classification of the duties on sugar, which had been found to operate very injuriously. He believed the Bill under discussion was the great blot upon the Budget.

Mr. W. J. FOX said, that in reference to what had been stated respecting the operation of direct and indirect taxation, he considered that direct taxation affected all classes subject to the impost equally; but that indirect taxation touched very lightly the rich, while it pressed very heavily indeed on the poorer classes. One objection to the income tax was stated to be its inequality; but it could not be compared with the inequality of the tax on sugar, tea, and coffee. Look at the proportion which the outlay on those articles formed in the expenditure of the operatives and the proportion which it formed in the expenditure of those who had large establishments! No doubt the income tax fell heavily upon persons of small incomes, but if the Customs duties were removed from articles of consumption the saving to those persons would outweigh the income tax. The right hon. Gentleman (Mr. Gladstone) had said that if the war should continue the course of events would inevitably drive us again to a system of protection. This should operate as a warning against their going any further than was absolutely necessary in a course of taxation that would lead to such a result. If there should be a necessity for increasing indirect taxation, every effort should be made to stave it off as long as possible, and if the hon. Member for Wick (Mr. Laing) divided on the question he should feel bound to support him. In taking that course he would not be actuated by any principle opposed to the most liberal grants of public money for the prosecution of the war; but he felt bound to protest against the main burden of the war being thrown upon the poorer portion of the community.

Mr. EWART said, he should have preferred a small extension of the system of loans to a mode of taxation which was in reality sinning against the principle of sound political economy. He wished to speak as the advocate of the poorer classes, because he was convinced that in these indirect taxes they paid in greater proportion than those above them.

Bill read 2°

SPIRIT DUTIES (SCOTLAND AND IRELAND) BILL.

Order for Second Reading read.

Lord NAAS said, that the experience of past times was not satisfactory with regard to an increase in the spirit duties; and he wished to know if Government had the intention or the power to take any additional steps for the suppression of illicit distillation in Ireland. He believed that any increase in that practice would be attended with the most pernicious effects. He also wished to know if Government had any intention to equalise the duties on spirits throughout the United Kingdom, for he was convinced that such a plan was not only possible, but that it would be attended with a great increase to the revenue. It would also remove many great anomalies, and have the best possible effect in many other respects.

The CHANCELLOR of the EXCHEQUER said, he quite agreed with the noble Lord, as far as the pernicious effects of illicit distillation were concerned; but the experience of the measure of last year, in consequence of the improved social condition of that portion of the United Kingdom, was very favourable. If it was necessary for the purpose of collecting the additional duty, the provisions of the last Act would be regularly enforced.

Bill read 2°

TESTAMENTARY JURISDICTION BILL.

Order for Second Reading read.

Motion made, and Question proposed—"That the Bill be now read a Second Time."

Mr. MALINS said, he rose to move that the Bill be read a second time that day six months. He trusted that the House would not consider that he wished to perpetuate any abuse in these courts, or in any matter connected with the administration of justice. He would yield to no man in his desire to improve that administration, but there was a great difference between improving and abolishing. If his hon. and learned Friend (the Solicitor General) had, instead of abolishing these courts, confined himself to making their practice as perfect as possible, he and those who acted with him would have lent the hon. and learned Gentleman their best assistance to effect his object. But Government refused to take warning by what had occurred last year, and this year had brought forward a measure which, though differing considerably in some of its details, was essentially the same as the Bill of last year. Government, it appeared, had deliberately made up their minds last year to a particular course, but this year they had departed, to a certain extent, from that course, and this was a good reason why Government was not entitled to call upon Parliament to sanction the Bill before the House. The question was one of great difficulty, and involved a subject which of necessity could be but little known to Members of that House. He would briefly state what was the object of Government by this Bill, and what was the object that, in his opinion, ought to be kept in view. The object of the Bill was to totally abolish the existing Testamentary Courts and the Ecclesiastical Courts of the country, and to transfer their business to the Court of Chancery. Now, this business was the testamentary business of England, involving the right to the whole of the personal property in the country, and it was proposed to include also all real property. This must, sooner or later, affect every person possessing property to the amount of 20*l.*, at which sum it was proposed to fix the obligation for taking out probates. What was the present law? When property was left by will no executor could act until the will was proved; and when this was done the Court issued the probate by which the executor was empowered to take possession, and to administer the whole of the property of the testator. In case no will existed, and the widow did not take out letters of administration, the Court usually granted letters to the next of kin. Now, the number of wills proved in 1852 was 18,703, and 7,068 letters of administration were taken out, making a total, in round numbers, of upwards of 25,000 testamentary grants in one year. The probate duty paid in that year amounted to nearly 1,000,000*l.* sterling. Three Commissions had reported on this subject, and they all concurred in one principle—with which he and those who acted with him also agreed—that the time was come when it was necessary to abolish the ecclesiastical jurisdiction of these courts. The Judge of the Prerogative Court of Canterbury was appointed by the Archbishop of Canterbury, and the Judge of the Prerogative Court of York by the Archbishop of York; but the business of those courts was of a temporal character, and, therefore, the courts themselves ought to be temporal and not ecclesiastical. This Bill proposed that the courts should no longer be ecclesiastical; that the Archbishops should no longer have the appointment of the Judges, and that the business of these courts should be transferred to the Court of Chancery. But upon what principle, for what reason should the transfer take place? Wills must be proved in some court or other, but why should that court be the Court of Chancery? The hon. and learned Solicitor General told them the probate of a will and the construction of a will were so much mixed up together, that the authority to deal with such a matter ought to be in the hands of one court, but he (Mr. Malins) thought he could satisfy the House that proving a will and determining its construction were totally different things. Questions of the greatest nicety and delicacy often arose as to who should take possession of a man's property immediately after his death. If the House would consider the great opportunities that existed for fraud with respect to the management of a deceased person's property he felt satisfied they would be slow to make an alteration which would have the effect of sweeping away the existing system and an existing order of men, whose experience in the business was a great security against the commission of fraud. The number of probates granted in one year was about 25,000; but questions as to the construction of wills did not exceed two per cent of that number.

A Return which he had, showed that the whole bills filed in the Court of Chancery from October, 1853, to October, 1854, amounted to 2,900; and from October last to April, 1,200 to 1,300. If the House would reflect that bills filed in Chancery had relation to every kind of engagement between man and man, they would admit—the whole of those bills not exceeding 2,900 in one year—that one-sixth was a moderate estimate for the suits with regard to wills. There was, therefore, only one in fifty of the wills subject to probate with regard to which any litigation took place. If he were right, what became of the argument of the hon. and learned Gentleman that the probate of wills and questions as to the construction of wills should come before the same court. But to revert to the position assumed by the hon. and learned Solicitor General, he must contend that the probate of a will and the construction were not inseparable; on the contrary, they were two distinct things: and even suppose they agreed to send the two matters to the same court, the practical working of such a plan would still be as it was at present. The will would have to be proved in the first instance, and then, if there was any dispute about its construction, the parties would have to begin *de novo*, as it were, and set forth all that had been done in the preliminary pleadings. Practically speaking, therefore, there would be two courts in operation under this Bill; at one period of the day the court would be a court of probate, at another a court of construction; and since it could not be maintained that the act of proving a will was inseparably connected with the act of construction, he was at a loss to discover the advantage to be obtained under the change proposed by this Bill. Another point which the hon. and learned Solicitor General urged in support of his plan for placing the two things in the hands of one court was this—he said it was highly desirable that the court to whom such matters were referred, should have the power of dealing with the estate during the period that a will was under contest. Now, was that a sufficient reason for a sweeping change in the law? Was the House aware of the number of wills contested in the course of a year? Why, in the Prerogative Court of Canterbury, out of 12,000 wills proved in a year, on an average not more than forty were contested, and, except in rare cases, such as that of Mr. Dyce Sombre, where the points involved were of a peculiar and unusual nature, the contests were mostly brought to a termination within the space of two or three months. The fact was, the Ecclesiastical Courts had become unpopular with the country from circumstances beyond their own control; abuses had crept into them in connection with the patronage which they gave to the archbishops; but those abuses he certainly did not consider were a sufficient ground for abolishing the courts themselves. His hon. and learned Friend the Solicitor General, in introducing the measure, dwelt at some length upon the great abuses which had occurred, such as the appointments of Mr. Moore, of Mr. Manners Sutton, of the son of the late Archbishop of Canterbury, and of the grandson of the present Archbishop of Canterbury. But there was not a proctor or practitioner in that court who did not lament that such a state of things had existed, and was not as anxious to prevent their recurrence as his hon. and learned Friend. These cases had, however, nothing to do with the practice in the Ecclesiastical Courts, and it might just as well be said that because three or four years ago great abuses had existed in connection with the Court of Chancery that court ought to be abolished, as to say that the Ecclesiastical Courts ought to be done away with because certain abuses had been permitted with regard to them. There certainly were abuses, but they were capable of an easy remedy, and nothing could be more unjustifiable than to attempt to abolish the existing state of things, unless the necessity for doing so was shown to be of an overwhelming nature. As his hon. and learned Friend had stated, various Committees and Commissions had been appointed to inquire into the subject of the proceedings and practice of the Court of Chancery, and the result of their inquiries showed that it was principally the machinery which was defective and required remodelling. A Commission was issued by the Government of Lord John Russell in 1851, who made their Report in 1853, and the changes that were introduced in consequence of the Report of that Commission made the Court of Chancery as effective as any which existed in this country. In 1851 the Government of Lord Derby issued a Commission to a learned body of men to inquire into the system and practice of pleading in the Courts of Chancery, and the law and jurisdiction of the Ecclesiastical and other Courts in relation to matters testamentary. In that Commission were to be found the names of Sir John Romilly, Lord Justice Turner, Vice-Chancellor Kindersley, Sir William Page Wood, Sir John Dodson, Dr. Lushington, the Queen's Advocate, Mr. Justice Crampton, the Solicitor General, the right hon. Member for Carlisle (Sir James Graham), his hon. Friend the Member for Oxfordshire (Mr. Henley), and Messrs. J. Rolt and W. James, of the Chancery bar, all men distinguished for learning and ability, and of various parties in politics, so that the Commission could not be charged with any political bias. That Commission came to the conclusion that it was not expedient to transfer the jurisdiction of matters testamentary to the Court of Chancery. At page 16 of that Report, after giving their reasons, and very fully, they expressed the following as the deliberate conclusion at which they had arrived:—

> "We think, therefore, that the interests of the public would not be consulted by the transfer to the Court of Chancery of the uncontested testamentary business. It could not, we think, safely be so transferred as part of the general business of that court; and if transferred to a separate department (which for all substantial purposes would be a separate court), the transfer would be attended with all the inconveniences without any of the advantages incident to the constitution of a distinct court."

He wanted to know of what utility it was to issue Commissions and obtain the opinion of the most learned men, if the Government of the day were to set that opinion at nought, and bring in a measure diametrically opposed to their advice, especially upon such a matter as this, which was one affecting the property of every individual in the community? Now, he would ask the attention of the House to the evidence given before the Commission. The bar at Doctors' Commons consisted of an exclusive body of practitioners, advocates, and proctors. No one but a proctor could prove a will, and no one but an advocate could be heard in the courts at Doctors' Commons. The Commissioners, however, called before them some eminent members of the profession—solicitors who were now excluded from practice in these courts, but upon whom the present Bill proposed to confer the right to practise in them. The evidence of these gentlemen was, in his opinion, entitled to peculiar weight, and he thought the House would also attach considerable importance to the petition he had presented that evening, signed by 163 of the most eminent solicitors in London, and 111 of the first firms of Bankers and Merchants, who expressed their opinion that the exclusive body in Doctors' Commons should be maintained as a protection to the public, and who repudiated the boon which the hon. and learned Solicitor General proposed to confer upon them by the Bill now under discussion. The first witness to whose evidence he would refer was Mr. Lavie, of the firm of Oliverson, Lavie, and Peachey, a distinguished commercial lawyer, who was examined at considerable length. Mr. Lavie, when asked his opinion as to the expediency of opening the business of probate to solicitors generally, instead of restricting it to proctors, said he entertained a very strong impression that it was most undesirable; that it would be very prejudicial to the public and very much regretted hereafter, if such business were thrown open to attorneys; and he proceeded to state that, according to his experience, the business, particularly with respect to probates, was extremely well done in Doctors' Commons, and that he did not know that it could be better transacted in any other place, although there were some details with respect to which improvements might be introduced. Mr. Lavie added, that he thought the check with regard to the respectability of practitioners in the courts of Doctors' Commons was a material safeguard to the public, and that the admission of attorneys, who resided in distant parts of the country, to prove wills, would be attended with very dangerous and mischievous results. This Bill, however, not only proposed that attorneys in any part of the country might prove wills, but that they might send up wills by post for proof, without attending themselves at all. Mr. Lavie further stated, that in a case where fraudulent wills had been presented to the Bank of England the perpetrator of the fraud had had the greatest difficulty in obtaining the assistance of respectable proctors, and had never gone a second time to the same proctor; while, if he could have resorted to any attorney in a remote part of the country, he would have been enabled to carry out his designs with much greater ease. The charges, Mr. Lavie said, seemed to him to be particularly moderate, but he stated that he regarded the safety of the public as the most important consideration; and that he did not think it would be preserved if all attorneys were allowed to prove wills. Mr. Lavie further added, that he considered it very expedient to leave Doctors' Commons much as it was, making such improvements as might easily be effected. He (Mr. Malins) would also ask hon. Members to refer at their leisure to the evidence of Mr. Young, of the firm of Desborough and Young, who was one of the most important witnesses examined upon the subject. Mr. Freshfield, the solicitor to the Bank of England, was also examined, and he wished to remind the House that the Bank had taken a very decided view against the Bill. Mr. Freshfield, in reply to a question as to whether he thought it would be desirable to throw the courts open to solicitors, said it appeared to him, confining his attention to the question of probate in London, that it would be attended with no advantage to open the courts to attorneys, but the contrary; that he did not think such a course would add any facilities whatever to the public; that he did not think it would diminish the expense; and that he did not think the business would be so well done. He also said that he thought it would be much better to entrust the business to a small body of practitioners, that body being under the control of the court. He went on to state that the question was not one of excluding attorneys, but admitting them for the first time; and that the control exercised by the court over its officers could not be so well exercised over a large body; that his impression was, that the present system was one which attained accuracy in a very high degree. He further said that the Bank of England had under its notice about 4,200 probates and letters of administration per annum, one-sixth of the number being letters of administration, and he could not speak too highly of the accuracy with which they were prepared. That was remarkably strong testimony in favour of the mode in which business was transacted in Doctors' Commons; and the 163 gentlemen whose petition he had presented to the House also expressed their satisfaction on that point. In 1832 the father of Mr. Freshfield gave equally emphatic evidence in favour of the system pursued at Doctors' Commons. A proposition was, however, now made for the entire abolition of that system, for the purpose of throwing the business into the Court of Chancery. The court was to be transferred he knew not where, nor did, he believed, the Solicitor General. The wills were to be deposited he knew not where, nor did either the Solicitor General or the Lord Chancellor. This system, which gave so much satisfaction, was to be abolished, as it appeared to him, merely for the sake of change; and the effect of that change would be to throw a great number of persons upon the world, and put the country to the expense of something like 100,000*l.* a year for compensation to gentlemen for not performing their duties when they were perfectly competent and willing to perform them with satisfaction to the public. Amendment was, as he had previously said, required; but the hon. and learned Gentleman would be satisfied with nothing less than destruction, and now proposed to abolish, at one fell swoop, a system which had been conducted for six centuries, and adapted itself to the requirements of the times, and to begin the world anew with a system which it would take a century to get in order. Where was the business to be conducted? The Government were not prepared with any plan for building new courts in places which would be the most convenient for the practitioners. The right hon. Baronet the Chief Commissioner of Works had told them that he was not aware of any place that would be fit for the purpose. There could not be a greater advantage to the administration of the law than to place the Judge in the centre of his business, and he might mention one fact in illustration of this assertion. Four years ago the Court of Chancery always sat at Westminster Hall in term time, and at Lincoln's Inn during the vacation. The business was so much better conducted during the vacation that an application was made to Lord Cottenham to sit at Lincoln's Inn in term time. His Lordship agreed to do so for two terms out of the four, and the change had worked so well that the present Lord Chancellor had acceded to a similar application, and the Court of Chancery now sat entirely at Lincoln's Inn. The gentlemen at the common law bar who resided in the Temple were exposed to great inconvenience in consequence of the distance of the Courts at Westminster and Guildhall. Now, the Court of Probate was in the centre of Doctors' Commons, amidst the offices of the advocates and proctors, and every facility was thus afforded for the transaction of business. It was not in law alone that the advantages he had alluded to were recognised. The underwriters of Lloyd's and the bankers of Lombard-street clustered round their respective centres of business. Now, supposing these Courts to be abolished, what substitute was to be provided for them? His hon. and learned Friend proposed to transfer them all to the Court of Chancery. But the transfer would be a transfer merely in name, for there was no accommodation in the immediate vicinity of the Court of Chancery. Under such circumstances, he asked why should the present state of things be disturbed? Now, with respect to the question of putting the proctors on half-pay. Such a proposition did not meet the justice of the case. Perhaps an old practitioner whose income was very large might be ready to retire on half-pay, but a man whose whole income was only just sufficient to live upon would find himself in a somewhat awkward position under such an arrangement. But to the junior members of the Court the Bill would afford no compensation at all, and great injury would be inflicted upon those clerks whose present position had cost them 800*l.* or 900*l.* And all this was to take place without any saving being effected to the public, because the stamp duties on probates were to be increased in order to provide what was called a compensation fund. Seeing that there was a great concurrence in the general principles of the Report he had referred to, he regretted that the Solicitor General had not taken a less extreme course. The hon. and learned Gentleman might have turned the Ecclesiastical Court into a temporal court, the judge to be appointed by the Crown instead of by the archbishop, and he might have made certain improvements with respect to which all would agree; but there was no excuse for the entire abolition of a system under which the business was well conducted, and at a moderate expense. It was a true saying, that if they gave a dog a bad name they might as well hang him, and so it was with the Ecclesiastical Courts. Certain persons took up a cry against them without knowing why, and Doctors' Commons was styled a terrible sink of iniquity. Well, then, his reply was, if a popular cry of that kind was to be taken as the measure of whether a thing was right or wrong, what would they say with respect to the Court of Chancery, improved and improving as he hoped it was? If a sink of iniquity was to be abolished, had they a better chance, in the public estimation, of finding a purer place by going to the Court of Chancery? It was said that the Lord Chancellor would make an order respecting the sitting of the Court. Now he (Mr. Malins) would venture to predict that if the Bill should pass in its present state, and the Court should continue to sit where it now sits, until an order to the contrary should be made by the Lord Chancellor, it would remain sitting there during the life of the last surviving practitioner in the Ecclesiastical Courts. He submitted to his hon. and learned Friend that it would have been far better if he had acted upon the recommendation of the Commissioners for removing the existing evils of the Court, and improving its practice. There was no more pretence for abolishing these courts than for abolishing the Court of Chancery. The Chancery system had been amended, and was working satisfactorily, and the system now under consideration ought to have been dealt with in a similar manner. Why, as he had just said, could not the Ecclesiastical Court have been converted into a Temporal Court, leaving the appointment of the Judge to the Crown, instead of the archbishop, and retaining the old practitioners, instead of throwing the Court open to the profession at large. Now, with regard to the common form business. As the law at present stood, when a will related to real estate, the question of the validity or invalidity of the will was submitted to a jury. Up to last year, when the will related to personal estate, even *vivâ voce* evidence could not be taken on the subject. The Commissioners recommended that the Court of Probate should have the power of submitting all wills to the decision of a jury. He perfectly concurred in that recommendation. He thought there could be no two opinions as to the desirability of probate being granted over the whole country, for it was most preposterous that a probate granted in York should not apply to Canterbury, and *vice versâ*. It was this state of things, the pension of Mr. Moore, and other abuses of that sort, which had really brought these Ecclesiastical Courts into disrepute. What he wished to accomplish by his Motion was to induce his hon. and learned Friend the Solicitor General so far to modify his Bill, as to remove from it those portions which proposed to transfer the jurisdiction of the Ecclesiastical Courts to the Court of Chancery. The petitions which he had that evening presented from a large body of the merchants, bankers, and traders of the City of London, headed by the Lord Mayor, and from 163 solicitors of the highest respectability practising in the Court of Chancery, against the Bill, showed that the change was not desired by the public or by the profession. Several of the eminent persons who had sat on the Commission had assured him personally that they were satisfied that this business could nowhere be better conducted than in Doctors' Commons, and that the transfer would be detrimental to the public. What justification, then, could his hon. and learned Friend have for bringing forward and persisting in this measure? Had the noble Lord at the head of the Government given the Bill his minute and deliberate consideration? for a heavy responsibility would rest on him if he allowed it to have the sanction of his position without a due examination of it. Had the right hon. Baronet the Home Secretary, under whose more particular cognisance these matters came, and who, having himself for some time practised in the Court of Chancery, might be presumed to understand the subject, given it his careful attention? In short, was this the Bill of the Lord Chancellor and the Solicitor General only, or had it been considered and sanctioned by the whole Cabinet? He appealed to his hon. and learned Friend to try the principle of amendment instead of that of abolition. Why not turn the Court from an Ecclesiastical into a Temporal Court, vest the appointment of the Judge in the Crown, and improve its mode of procedure instead of abolishing it altogether? If his hon. and learned Friend would consent so to modify his Bill, he could assure him that from that side of the House he would receive every assistance in passing it with all speed, and in making it as perfect and efficient a measure as possible.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. COLLIER said, he should support the second reading of the Bill not because he believed it the best possible measure, but a great improvement on the existing state of things. He should support it, because it was founded on the principle not of reforming, but of abolishing the Ecclesiastical Courts, these Gattons and Old Sarums of our judicial system. When his hon. and learned Friend the Solicitor General entered on the contest in which he is engaged with these courts, he did not seem aware of the extraordinary tenacity of life possessed by his foe. Twice, during two successive Sessions, did he enter the lists with Doctors' Commons, twice did Doctors' Commons apparently succumb to rise with renewed vigour, and this was the third assault of his hon. and learned Friend. The contest put him in mind of that of Evander with Herilus :—

> "Nascenti cui tres animas Feronia mater
> (Horrendum dictu) dederat, terna arma movenda
> Ter leto sternendus erat."

It would be indeed a proud day for his hon. Friend when he should be able to say,

> "Cui tamen omnes
> Abstulit hæc animas dextra et totidem exuit armis."

Having no wish to defer that day, he should abstain from taking any course which might endanger the Bill, at the same time he took this opportunity of stating his views as to the best possible mode of dealing with the subject. He held that there was no necessity for any separate Court of Probate at all. He thought the business of probate could be performed by the existing tribunals without the creation of a new court, or a new Judge, or any additional expense to the country. He held that there was nothing in a will by which a man disposed of his property after his death which made it more difficult to be dealt with than an instrument by which he disposed of his property during his life. In no other country was there a separate court to deal with wills. In Scotland they were dealt with by the Sheriffs' Court and the Court of Session, and in America they were dealt with by the ordinary Courts and the County Courts; and even in this country, in former times, the County Courts had jurisdiction over wills until the jurisdiction was usurped by the Ecclesiastical Courts. The manifesto of the proctors pretended that the validity of a will was surrounded with so many technicalities and legal difficulties which none but a proctorial intellect could unravel them; but these legal difficulties were in reality no greater than those which arose with reference to deeds, leases, mercantile, and other contracts which were daily disposed of by the Courts of Law: nay, no greater than those sometimes disposed of at Quarter Sessions with reference to the settlement of a pauper. In his opinion no new or separate tribunal was called for, but the ordinary existing tribunals were sufficient. Let the County Courts be used for the purpose. Those courts were established for the local administration of justice; their districts were marked out with reference to population, roads, railways, and other tests of public convenience. Why not use them for this as well as other branches of the administration of justice? Let them have jurisdiction in all cases of Probate in the common form. Let the County Court be the place where the poor man might take his will for probate, and let the original be sent to the central registrar's office, and let copies be kept in the County Court. That was enough for all uncontested cases. With regard to the contested cases, when the property was small, and if it was under 500*l.*, it was not worth while to go into Chancery, or into any central court. When the amount was small, and a will was opposed, the question should be tried on the spot in the County Court; and the estate be administered on the spot. At present, however, justice was denied to a poor man in contested cases. Where the property was small the member of the family who happened to occupy it kept possession: the rightful owner submitted to exclusion as a less evil than a suit in the Ecclesiastical Court, and so things remained unless some active-minded attorney happened to interfere, which interference commonly resulted in the property being absorbed in costs, and the family fraternizing in prison. In his opinion, all these questions should be dealt with by the County Courts, and in that he did not differ from the hon. and learned Solicitor General, who said on a former occasion that he fully recognised the County Courts, and who, he believed, was not averse to this jurisdiction being conferred upon them. The next question was, what was to be done when the property in dispute was considerable. All such questions might be settled in the common law courts without the addition of another Judge. The courts of common law decided whether a man was sane or insane when real property was devised by will, nor would the country ever be satisfied unless such questions were tried by a jury. How did the law now stand? A jury might decide that a man was sane with reference to the disposition of real property; and the Ecclesiastical Courts might decide that he was insane with regard to his personal property. He would say, let questions of real and personal property under wills be decided by the same tribunals. Such were his views as to the best mode of dealing with this subject. The questions to be decided in the case of a disputed will were, the sanity of a testator, whether the will was forged, whether or not undue influence was exercised over him, and so forth, questions which ought to be tried by a jury whether they related to real or personal property: some other questions which occasionally arose more of law than of fact, such as what papers constituted the will? whether it was regularly attested? and so forth, might well be determined by the Common Law Judges, some of whom, as members of the Judicial Committee of the Privy Council, were in the habit of deciding these very questions on appeal from the Ecclesiastical Courts. Holding these opinions, however, he knew that if he were to insist upon them, the effect might be to throw out this Bill; and he was unwilling to do so, for he regarded it as a vast improvement on the present system. If the principle of establishing a separate court were admitted, it seemed to him that the court now proposed by the hon. and learned Solicitor General was as good a court as could be devised. He intended, nevertheless, to propose in Committee some clauses, engrafting a jurisdiction of the County Courts upon the system set forth in this Bill; and he should also propose that, in all disputed cases, parties should have a right to claim trial by jury. He also should feel it his duty, probably to take the sense of the House upon some of the provisions relative to compensation. The proposed compensation to the proctors seemed to him extravagant. If such claims of compensation were admitted, others would arise. The common-law bar had been deprived of a large income by the institution of the County Courts; and if a law were passed to simplify titles, conveyancing attorneys would be deprived of some of their profits; and were they also to be entitled to compensation? He (Mr. Collier) should support the Bill, subject to the modifications which he desired to introduce in it.

Sir FREDERIC THESIGER said, he could not help expressing his surprise at the speech of the hon. and learned Member for Plymouth (Mr. Collier); for after having distinctly stated that he objected to every part of the Bill, he concluded by saying, as it was better than nothing, he should vote for the second reading, with a view of introducing some modifications of his own in Committee. Notwithstanding what had been said by the hon. and learned Member, he (Sir F. Thesiger) asserted that, with the exception of some part of the criminal jurisdiction of the Ecclesiastical Courts, which had of late years been gradually withdrawn, to the testamentary jurisdiction of these Courts there had never been made any well-grounded objection; and, so far from their having been subjected to general and universal censure, whenever a strong opinion had been expressed it had always been in favour of them. He was only anxious to have the best possible jurisdiction on this subject, as it was one of vital importance, and concerned the whole of the personal property of the kingdom. His feelings were very strong with respect to the course taken by the Solicitor General. They had, from 1832 to 1854, appointed Commissions for the purpose of deciding what it would be best to do with the jurisdiction of these Courts; and these Commissions had, with one solitary exception, reported in favour of their continuance. The hon. and learned Solicitor General was a Member of one of those Commissions, and he being in a minority of three to nine was perfectly aware that the Commissioners had recommended that the jurisdiction of these Courts should not be transferred to the Court of Chancery. The Commissioners said, that in their opinion, the interests of the public would not be consulted by a transfer of the uncontested testamentary jurisdiction to the Court of Chancery, and that such a transfer would be attended with all the inconveniences, without any of the advantages, incident to the constitution of a distinct court. The conclusion, therefore, at which they arrived was, that the testamentary jurisdiction ought not to be transferred to the Court of Chancery. What was the use of appointing Commissions to report their opinions upon important subjects, if, without any reason being assigned for such a course, measures were afterwards introduced utterly at variance with those opinions? Notwithstanding this Report, his hon. and learned Friend the Solicitor General proposed to create a fourth Vice Chancellor, to give him the powers possessed by the other Equity Judges to apply to his Court all the orders and regulations applicable to the Court of Chancery, and to allow an appeal from his decision to the Lord Chancellor — a proposition which was an entire violation both of the spirit and of the letter of the Report of the Commissioners. If the Ecclesiastical Courts had been so universally condemned as was asserted by their opponents, there must be some strong principle of vitality in them, or they could not have lived so long. Their existence had been threatened as long ago as 1641, and a humourist of the day had on that occasion drawn up a will for Doctors' Commons, of which he would read a small portion to the House, because he thought his hon. and learned Friend must have taken it as the model of the present Bill. It was to this effect:—

> "I, Doctors' Commons, in the parish of St. Benedict, Paul's-wharf, London, being very aged, and finding by general computation that my time draws to an end, and being much shaken, both in body and mind, with a Westminster ague, yet of perfect mind and memory, to avoid all suits and controversies that hereafter may arise concerning my estate or any part or parcel thereof and to the intent and purpose that my contentious days may be consummated and ended in peace, do constitute, &c., this my last will and testament. For my personal estate (having never been possessed of any lands) I willingly bequeath my reverend judges, vicars-general, chancellors, commissaries, archdeacons, deans and chapters, and their surrogates, and also all high commissioners, judges, delegates, and *legum doctores quoscunque* to the High Court of Parliament, there to be cherished according to their merits and deservings. Then I bequeath all my registrars, deputy-registrars, proctors, examiners, and public notaries to the Court of Common Pleas at Westminster, to be admitted attorneys (if no prohibition be posted to the contrary). He then bequeathed his incontinent articles to Bloomsbury, Longacre, and other like places of good-fellowship; his libels of defamation to prudential scolds; his decrees to the Court of Chancery, in case they wanted any; and all the rest of his writings, rescripts, manuscripts, and superfluous papers whatsoever, to cooks, bakers, grocers, and chandlers."

He believed he had accidentally brought to light the source from whence his hon. and learned Friend had derived his Bill. The testamentary jurisdiction of the Ecclesiastical Courts consisted of two perfectly distinct parts—the common form business and the contentious business—and there was not the slightest ground for an imputation upon the manner in which either portion of that jurisdiction was exercised. There was no foundation for maintaining that that Court was so bad and corrupt as to be incapable of reformation, and must consequently be utterly abolished. The duties of proctors in transacting the common form business were of immense importance, no less than 18,000 wills having been admitted to probate last year, involving property to the amount, he believed, of more than 50,000,000*l.*, and he would state what was the opinion of the Commissioners with regard to the proposed abolition of that body. They said the evidence they had taken had fully satisfied their minds that this business had been carefully and efficiently transacted by the proctors, and they thought that to throw it open to attorneys and solicitors would be attended with no advantage, but on the contrary, with considerable detriment to the public. The most eminent attorneys, whose interest it would be to obtain a share of the business, had expressed a similar opinion, and his hon. and learned Friend the Member for Wallingford (Mr. Malins) had presented a petition from the principle firms in London in favour of the continuance of the present system. If attorneys were admitted indiscriminately, the persons who would have to prove the wills would be the very persons who had made them, whereas it was part of the duty of proctors, who were not only agents of the parties, but also recognised officers of the Court, to point out to the Court any objections that might be raised to the wills before they were admitted to probate. If the Attorney were admitted to prove the will no such objection could be made. But it was proposed to admit 10,000 persons to deal with personal property to an enormous amount, and, although the attorneys were a highly honourable body of men, yet in so large a body there must be men of a different character; and let the House see the opportunity for fraud which would be furnished. An attorney had only to prove the will; he could then go to the bank and draw the money and get possession of all the funds. By this rash and dangerous experiment the Solicitor General proposed to trust to unknown hands, and to many who were possibly likely to abuse it, the duties which had been faithfully performed by the proctors. With regard to contentious jurisdiction, there were strong reasons for alleging that nothing could be more satisfactorily conducted than the business of the Court under the present system. The Judges of those Courts had been men of the highest intelligence and character, and whose judgments were studies for legal minds. What complaints were ever heard of the judgments of the Judges of the Ecclesiastical Courts on testamentary matters? Some of the counsel practising in these Courts were among the most learned and deeply read members of the profession, and at the present moment that learning was of the greatest importance, because connected as the Admiralty Court had been with the Ecclesiastical Court, great advantages had arisen from the intimate acquaintance with international law possessed by the bar of these Courts. But his hon. and learned Friend proposed by his Bill utterly to destroy that advantage of having a skilled body of men qualified to discuss questions of such vital importance. He would beg to call the attention of the House to a passage in the Report of 1832. The Commissioners and Chief Justice Tindal in that report agreed in declaring that the connection between the Ecclesiastical and Admiralty Courts had been most useful, and that it was most desirable that the civil law should be well understood, especially in time of war. He had heard in the course of the debate the odious word "monopolists" applied to the profession practising at Doctors' Commons; but he would remind the House that the Common Law bar and the Chancery bar were practically divided, and that to the great advantage of the public and the credit of the profession. What reason had his hon. and learned Friend the Solicitor General for coming forward with such a measure? Had it been called for by the public or recommended by any authority on which the House could rely? Why did his hon. and learned Friend depart from the recommendations of the Commissioners, who had given their attention to the subject? He regarded the present measure as a rash and untried experiment, for which the country would have to pay a most enormous price in the way of compensation. They had a Judge presiding with great credit in a Court of testamentary jurisdiction, and yet his hon. and learned Friend had resolved that he should not remain there, although he was to continue to receive his entire salary as compensation for his removal from office. Compensation was also to be given to proctors and other persons, and they were called upon to pay this sum for an experiment which they had no reason to think would be satisfactory; even where the Court was to sit was to be matter for future consideration; and he would submit that when they were called upon to abolish the present Court, they should receive information that would enable them to adopt a safe course in making a change in the present system. The safe course, in his opinion, would be to adhere to the old foundation. It was true that it was not adapted in some respects to the present time, but instead of abolishing it they should attach to the present foundation the changes which the process of time had rendered necessary. He and those who acted with him had no desire to continue the local jurisdictions that had been condemned. The Ecclesiastical Court was a name which it was not desirable to retain, but let the Perogative Court and the Arches Court be blended in one Court, to be called according to the recommendation of a high authority, the Queen's Court of Probate. Then the Court would be built upon such a foundation as would adapt itself to the circumstances of the times. The whole of the machinery was already in existence for such a court, and it would give more satisfaction than the Court of Chancery. Anything more unsatisfactory, anything more extravagantly expensive than the course of examination in the Court of Chancery was hardly possible to be imagined. Yet, when this testamentary jurisdiction should be transferred to that Court, then immediately all the rules, orders, and practices of that Court were to be applied to it, and among the rest, the very cumbersome and expensive mode of taking evidence. With regard to written evidence, his belief was, that in a great number of cases where the evidence was of a complicated and conflicting character, the Judge would be better able to consider and contrast the evidence when written than when given *vivâ voce*, though in some instances it might be advantageous to have a *vivâ voce* examination. There could be no difficulty in having a jury in the Probate Court. It was in vain that his hon. and learned friend (Mr. Collier), who objected to every clause in the Bill, was willing to allow it to go into Committee, in the hope that the jurisdiction would be transferred to the County Courts. Let not the House deceive itself by any such notion. They were there to decide upon the principle of the Bill. Were they prepared to abandon what had been so long established? Would they sweep away the Ecclesiastical Courts which, with regard to testamentary jurisdiction, were as free from reproach as any court in the kingdom? Would they introduce, for the sake of experiment and trial, a new jurisdiction utterly disregarding the opinion of those Commissioners to whom they had intrusted this important question, and who had stated that all the existing machinery ought to be continued, and who had declared it to be their opinion that the present Ecclesiastical Courts might be reformed and adapted to the requirements of existing circumstances; or would they, contrary to the advice of those Commissioners, adopt the principle of the Solicitor General, one of the small minority of those Commissioners, and abolish those courts which had so long stood, not only for the advantage of themselves, but for the benefit of the public at large?

Mr. ROUNDELL PALMER said, he intended to vote for the second reading of the Bill, but certainly not because he was in any degree disposed to disparage the opinion of the majority of the Commissioners of 1832. With regard to the proctors, he admitted that they had ably discharged their duties, but it did not at all follow that because the gentlemen whose duty it was to administer an existing system had done it with advantage to the public, that, therefore, the system itself was one which ought to be supported. The question really was, whether this was a proper subject for law reform; and, if so, whether the reform proposed was one deserving the approval of the House of Commons? There had been an opinion long existing in the country that this was a proper subject for reform; and he thought that very good reasons had been assigned, for the opinion that the present testamentary jurisdiction was altogether in a state unworthy of those improvements which had taken place in other branches of the law. It was absurd to suppose that they could deal with this subject upon the notion that the existing system was a good system and was working well and satisfactorily in the country. The fact was, that they must recast the whole system, and the question that naturally arose was, how it was to be done? One great evil which would be remedied by the principle of the Bill was that division of jurisdiction that at present existed in a matter which was unity in itself, and which required to be consolidated. Why should it be necessary, in the nature of things, that you should have one court to decide what constituted a will and another court to construe the purport of that will? There was no ground whatever for such a distinction in principle. It appeared to him to be absurd to say that the Court of Chancery, after having determined how an estate should be distributed, should have no power of determining the instruments for its distribution. In cases of wills made by married women under special powers, and of instruments which were sometimes executed to avoid some Statute, such as wills made in the form of a deed to avoid the law relating to legacy or mortmain, the present system appeared to him to require alteration, for even in cases of bequests fraudulently obtained, the Ecclesiastical Courts could not deal with the subject beyond the question of testamentary intention. The subject of real estate was only dealt with to a partial extent by the present Bill, but yet the way in which it was dealt with was a great step towards a consolidation of the whole subject of testamentary jurisdiction. The present system gave rise to great absurdities; for instance, in a case of litigation with regard to the validity of a will, first, there was a suit in the Ecclesiastical Court, then at the same time a Bill was filed in Chancery to manage the estate and take possession, and then there was another suit about the real estate sent to be tried by law upon an issue directed by the Court of Chancery. Such a state of things was a disgrace to the jurisprudence of the country, and he should support the second reading of the present Bill because he thought that it tended to establish the consolidation of all testamentary jurisdiction. The Bill appeared to him to be a much nearer approach to the recommendations of the Commissioners and to that which hon. Members opposite appeared to him to wish for than any one would imagine who had heard the strong language which had been applied to it in the course of the discussion. In all points but one it did, or enabled to be done, what the Commissioners recommended; and as to common form business, it appeared to him to give the power of adopting all that was useful in the present system, the working of which was so much praised by hon. Members opposite. Perhaps it might be said that his reason for taking the course he proposed to adopt was that he was a Chancery lawyer, but he thought himself entitled to take that course when he considered how much of the business of the Court of Chancery referred to testamentary matters, and that, in fact, that Court had for centuries exercised the entire administration of property under wills. If consolidation was aimed at, therefore, he thought this testamentary business must be transferred to the Court of Chancery. As to the question raised about proctors and attorneys, he did not believe there was any weight in the argument that there would be greater liability to frauds in the concoction of wills under the new than under the old system, for the attorney had now just as great opportunity for malpractices as he would have then. But that assurance which the integrity of the proctors gave would still not be lost to the public. There would be a staff of officers of the Court selected from the very quarter in which these proctors practised—from among the proctors themselves—who would bring into the new Court all that experience, caution, and character which was obtained under the present system. Again, with regard to the advocates and the peculiar learning they possessed, it would undoubtedly be much to be regretted if that branch of learning should become extinct in consequence of the change contemplated; but, as long as you had in this country important branches of law to be administered upon the principles of that learning, he could not doubt that there would be persons who would find it their interest to qualify themselves in it. Altogether, it appeared to him that the objections made to this Bill were founded upon misapprehension of its nature, and that although the subject was difficult, and although reasons of very considerable force had been given, and might be given, in favour of a different arrangement, yet the plan now proposed recommended itself to his mind as an approximation to, or at least the first step towards, that consolidation of the whole testamentary law under one jurisdiction which, as it appeared to him, ought to be the object of their legislation. For these reasons he should give his support to the second reading of the Bill.

MR. WHITESIDE said, he was quite unprejudiced in this matter, for he belonged neither to the Court of Chancery, nor to the Ecclesiastical Courts, and he thought their lot hard when they had to choose between the two. The hon. and learned Gentleman the Solicitor General was naturally of opinion that there was nothing like leather; in other words, that there was nothing like Chancery. Now, the House would recollect that the Bill introduced last year came before them in four shapes; and that after all the alterations and amendments introduced in it the measure was withdrawn, when it was found that the House would not support it. Everybody owned then, as they did now, that the Ecclesiastical Courts ought to be reformed, the only question being how these reforms should be accomplished, and bearing upon this point there was one important question and reply in the evidence taken before the Commission, which seemed to him of the greatest importance. One of the witnesses was asked—"Does one will in 100 of those admitted to probate come into Court for administration or construction?" The answer was, "I believe not." From this, then, it appeared that where one will was the matter of dispute, ninety-nine were not disputed, and his own experience went to show that in such cases there was no Court in the kingdom the business of which was so cheaply, so well, and so rapidly transacted as the Ecclesiastical Court. The recommendation of the Commissioners involved a cheaper, quicker, and better plan than that which was proposed by the Bill, and he saw no reason why it should not be adopted in preference to the measure before the House. Every proctor who practised in the present Court was known to the Court, and he believed that of late years there was scarcely ever a case in which a forged will had passed Doctors' Commons. No frauds were practised under the present system. The Bank of England, private bankers, and professional men generally approved of it, and the only persons who objected to it were practitioners in the Court of Chancery. Reform, properly speaking, meant amelioration and improvement; but to change when nothing was to be gained was not to reform. He objected to the proposed measure because it did not reform, and because there was not an evil in the existing law which it would really remedy. He therefore asked the House to adopt the Bill recommended by the Commissioners, which would remove every abuse, and settle every difficulty, and which had been strongly advocated by the Bank of England. He trusted that they would not yield to ignorant clamour against the Ecclesiastical Courts, and send the whole of this business to the Court of Chancery, which it had taken upwards of forty years to reform. The safe and prudent course would be to reform the Ecclesiastical Courts, which would be infinitely preferable to transferring the whole jurisdiction of those Courts to the Court of Chancery.

MR. HEADLAM said, that the people of this country had much reason to complain of the course adopted with respect to these courts, both by the Government and the Legislature. It was now more than thirty years since the propriety of reforming these courts was first mooted, and during that time changes had been introduced into all the other courts of the realm and into many of its institutions, but all attempts to reform the Ecclesiastical Courts had been uniformly rejected. And he could not help feeling that this Bill appeared very likely to meet the fate of its predecessors; for, although he was inclined to vote for its second reading, he could not deny that it was open to serious objections, for there were many evils that would result from its adoption. The one which pressed most upon him was as to the manner in which it would affect the poor people. The greater number of wills brought in for probate related to sums under 100*l.*, and the proof of wills, could not, like other legal matters, be avoided. Now, he felt that this measure must necessarily increase the cost and difficulty of proving wills, by compelling all wills to be proved at a central office. They were now proved by the Registrar in the nearest county town, without the intervention of an attorney or a proctor, at a cost of 2*l.* or 3*l.* But if this Bill were passed the will must pass through the hands of a country solicitor and his town agent. There would be fees to both, and probably a correspondence between them, which would, of course, accumulate costs, besides the fees of the court itself. Then there was another thing. The rules of the new court must be very stringent in order to prevent causes of fraud occurring. But if so there must be numerous checks entailing heavy expense, and preventing any person passing his will without professional assistance. Now, the necessity of these forms was now dispensed with, since the person coming to prove a will was in all probability known to the Registrar, and was not, therefore, likely to attempt to practise a fraud upon him. Besides, there could be no doubt that there must be a very large staff of officers in the new court to perform the duties now discharged by the proctors, and if so, of course the fees for their payment must necessarily be heavy. He would not at this time allude to the necessarily large amount that would be required for compensation. He thought they had not yet considered fairly what were the wants of the people of the country on this subject. The first great evil in connection with these courts was one which was rather a matter of feeling. There ought to be nothing of an ecclesiastical character about courts having jurisdiction of a testamentary character. The Judges ought to be appointed by the Queen, and all connection between them and the ecclesiastical organisation and the ecclesiastical divisions of the country cease. If this evil were removed, and some defects in the method of procedure were removed, he believed there would be no difficulty in establishing district courts which would give general satisfaction, and would attain the objects sought for both inexpensively and efficiently. Under the present Bill they were about, at an enormous expense to the country, to establish what he would call a non-effective establishment; and he for one should cordially give his vote against the measure.

Mr. R. PHILLIMORE moved the adjournment of the debate.

Debate *adjourned* till *Monday* next.

PUBLIC OFFICES—DOWNING STREET EXTENSION BILL.

Sir WILLIAM MOLESWORTH moved for leave to bring in a Bill to enable the Commissioners of Her Majesty's Works to provide additional offices for the public service, in or near Downing Street. The object of the Bill was to provide for the rebuilding of the Government offices in Downing Street, which were at present in a very dilapidated condition.

Mr. HENLEY said, he thought it was desirable that some plans or report should be laid before the House, which would afford them information as to the alterations contemplated by the Bill.

Sir WILLIAM MOLESWORTH said, that the Bill would be referred to a Select Committee, before whom a general plan of the intended alterations and an estimate of their expense would be laid. The Bill would then come down again to the House, and hon. Members would have an opportunity of considering the plans and the report of the Committee.

Sir WILLIAM JOLLIFFE said, he wished to know whether the expenditure for the proposed buildings would render any local taxation necessary?

Sir WILLIAM MOLESWORTH, in reply, said, that the offices to which the Bill referred were required for the service of the Government, and the sum necessary for their erection must, therefore, be provided by Parliament.

In reply to Mr. Hadfield,

Mr. WILSON said, that the agreement for a renewal of the lease of the house occupied by the Duke of Buccleuch had been entered into by the Government of Lord Derby, and was confirmed by the Government of Lord Aberdeen.

Sir STAFFORD NORTHCOTE said, he begged to inquire whether any measures had been taken, in conformity with a recommendation of Sir Charles Barry, to connect the public offices with the Houses of Parliament?

SIR WILLIAM MOLESWORTH said, a plan had been submitted to his consideration by Sir Charles Barry for building public offices in the neighbourhood of the Houses of Parliament, and he had laid that proposal before the Treasury, but the object of this Bill was chiefly to provide for the rebuilding of the public offices in Downing Street, which were at present in a most dilapidated condition. The Foreign-office and the Colonial-office, especially, were in such a state of dilapidation that they required to be propped up on all sides. They were also in a very unhealthy condition. Indeed, they were perfect nuisances, and any change must be for the better.

VISCOUNT EBRINGTON hoped, when such a necessity existed for providing public offices, that the vacant space near Downing Street, which had remained unoccupied for so many years, would be rendered available.

Motion *agreed to.* Leave given.

Bill to be brought in by SIR WILLIAM MOLESWORTH and MR. HAYTER.

Bill read 1°

The House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Friday, April 27, 1855.

MINUTE.] *Sat First in Parliament.*—The Earl Stanhope, after the Death of his Father.

DISCIPLINE OF THE ARMY.

THE EARL OF SHAFTESBURY said, he had a question to put to his noble and gallant Friend the Commander in Chief relative to certain occurrences which were stated by the newspapers to have taken place in the army. Their Lordships no doubt remembered the case of Lieutenant Perry, and he was sure they would be sorry to find that the practices which were then so justly reprehended were still continued. There appeared in the London journals of Wednesday a statement, copied from the provincial papers, giving an account of what was alleged to have occurred in the barracks of Canterbury. He knew nothing whatever of this matter except from what he had read in the journals. There were two cases mentioned. One was between Ensigns Sanders and Neville, of the 30th Regiment, and Ensign Falkner, of the same regiment. In that case his noble and gallant Friend had given judgment, and therefore he would not detain the House by any remark upon it, except to say that he did not think that his noble and gallant Friend had erred on the side of severity. It was impossible to read the paper of instructions to officers on joining their regiments or depôts without being struck with the good sense and propriety which characterised them, and there could be no question that the discipline and conduct of the army would be well maintained if the young men and their commanding officers acted up to the instructions therein contained. He (the Earl of Shaftesbury) did not pretend to understand the discipline of the army, but he must say that the persons who appeared to him to be principally in fault in these cases were the commanding officers. He could not think that such a state of things as had been revealed in these instances could exist if the commanding officers did their duty as gentlemen and Christians, with these instructions for their guide. The other case, to which he now wished more particularly to refer, occurred at Canterbury. It appeared that Cornet Baumgarten entered his regiment, the Enniskillens, and was for a long time subjected to the most disgusting, insulting, and provoking tricks. He was in consequence betrayed into the great folly of sending a challenge to one of his tormentors. This step was of course contrary to the civil law of the land, and directly against the articles of war. It appeared that a sergeant of the regiment, who understood his duty both as a civilian and a soldier better than those in command, Sergeant Brodie, interfered to prevent this breach of the peace. And who did their Lordships think was the person who opposed him, and insisted on the duel going on? Their Lordships would scarcely believe that it was the adjutant of the regiment. He (the Earl of Shaftesbury) was stating the facts as represented by the sergeant. Well, he who, if he did his duty, should show a good example to the regiment, the superior officer, was the man who interfered to prevent the laudable attempt of the sergeant. He wished most sincerely that it was possible to make the sergeant and the adjutant change places; for the one had outstepped all bounds of reason and discipline, while the other had shown himself a good citizen and a good soldier. This adjutant who should have been the first to prevent a duel, actually ordered his men to knock down this sergeant with the butt-ends of their carbines. That was the statement in the papers. He wished to ask his noble and gallant Friend if he had instituted any inquiry into this transaction; and if so, whether he would make known to the public what his decision was? He had no doubt his noble and gallant Friend's decision would be in accordance with justice, with the requirements of the case, and with due regard to the discipline of the army.

Viscount HARDINGE said, he was not prepared to say that the noble Earl had not stated the case according to the facts. He was sorry to say that a system of practical jokes was carried to a great extent in the army, and had prevailed for a considerable time. He had taken strong measures to put it down. He had tried courts-martial, and he had admonished, and had cashiered; but these measures were not effectual. Without pledging himself to any course in the present case until he should have read the evidence, if he thought that admonitions were not sufficient, he would not hesitate to advise Her Majesty to adopt some speedier and more efficacious modes of dealing with these occurrences than at present existed.

The Earl of HARDWICKE thought that the public opinion on the subject of duelling was in the right direction; but there could be no doubt that the result at the same time had been to loosen those bonds which formerly subsisted between gentlemen. He expressed no opinion whatever on the subject of duelling, and he was quite ready to acquiesce in the feeling that prevailed; but it was clear that since the practice had been discontinued, there had not been that stringent determination on the part of the military authorities to suppress ungentlemanly conduct which there ought to have been. In the performance of his duty as the captain of one of Her Majesty's ships, he had never had the slightest difficulty whatever in putting down, by an immediate interference, the least attempt either at bullying or ungentlemanly conduct. He had heard stories with reference to the conduct of officers of regiments in London, and even of those regiments which were employed about the person of the sovereign, which had really astonished him. For his own part, if he were Commander in Chief, he would hold the colonel of every regiment immediately responsible, and he would deal with him, rather than with the criminal himself, in the most summary manner.

Lord VIVIAN: It is only right to remind the noble Earl that the colonel of the regiment now in question is in the Crimea.

The Earl of HARDWICKE: Of course I meant to say the colonel or the officer in command.

CHURCH-RATES—PETITIONS.

The Bishop of EXETER, in presenting two petitions on the subject of church-rates, said, that the petitioners were the advocates for peace upon this question, provided that the real interests of the Church were not sacrificed or the churches themselves injured. One of those petitions was signed by a number of the most respectable inhabitants of the city of Exeter, and he must say in that petition the question was excellently argued. In pursuance of the notice he had given, he would take the present opportunity of inviting their Lordships' attention to the existing state of the law upon this subject. It was one of no small importance, and at this moment one of no ordinary interest; for in a few days it was likely a step would be taken in another place in relation to this matter of great moment to the Church; and he must say from what had occurred there were some persons required to be enlightened on what the state of the law now was. He considered that the declaration recently made by the First Minister of the Crown upon this subject was one for which all churchmen and the country generally were deeply indebted, for Lord Palmerston was said to have expressed himself, upon the Motion of Sir W. Clay for leave to bring in a Bill for the abolition of church-rates, in these terms—

> "If the law were that a compulsory power existed, requiring every parish to levy a rate, then I agree that that would be the best mode of providing for the fabric of the Church." [3 *Hansard*, p. 1368].

That was a most gratifying and encouraging declaration, and he sincerely thanked the noble Lord for it, and doubted not that his colleagues were prepared to assist him in carrying it into effect. But the noble Lord added something which was not so encouraging, but which in his (the Bishop of Exeter's) opinion did not affect the force of what he had previously said, for he believed the noble Lord in that portion of his statement spoke under an entire misconception of the law. He stated that those hon. Gentlemen who were opposed to the maintenance of church-rates as part of the law of the land appeared to forget that, by a recent decision—no doubt alluding to the recent decision in the Braintree case—there was no power to enforce that law. He (the Bishop of Exeter) was prepared to prove that that decision left the law respecting church-rates exactly as it found it, and that it only stated that the particular mode adopted in that case of giving effect to the law was wrong, and that the churchwardens were entirely under a misapprehension as to the course it was their duty to pursue. He had ventured, a few days ago, to appeal to the noble and learned Lord on the woolsack, whether that was not the condition in which that decision left the law, and that noble and learned Lord said it was. The noble and learned Lord, however, did not stop there, but, giving the great weight of his official position to his opinion, he stated that the law respecting church-rates was absolutely effete, that there was no power of enforcing them, and that they must be content to look upon church-rates as a bygone institution. The noble and learned Lord had remarked that—

> "The right rev. Prelate was quite correct, and, no doubt, it was still the duty of the vestries to keep the churches in repair, and supply the articles necessary for Divine service; but the difficulty was as to the means of enforcing the duty. In ancient times it was excommunication or interdict; but the very mention of these would be considered trifling, as they had been disused since the Reformation; and although it was one of the matters referred to Archbishop Cranmer, at that era to provide a substitute for the ancient remedy of excommunication, it was not done. Notwithstanding, therefore, that old legal maxim, '*ubi jus ibi remedium*,' there really was no *remedium* for the enforcement of the duty of the vestry to raise a rate for the repair of a church. A rate made by a minority at the vestry was held invalid by the House of Lords. When, therefore, it was said that it was the duty of the vestry to make a rate when necessary, it must be borne it mind that, practically, there was no means of enforcing the duty; still, however, it remained."—[See 3 *Hansard*, p. 1500].

Now, he (the Bishop of Exeter) thought his noble and learned Friend had not given due consideration to the matter when he uttered that opinion; for it was plain that those persons who were opposed to the exercise of the right of levying a rate for churches considered the existing state of the law to be a very serious one, and Mr. Courtauld, in his evidence, made the following statement—

> "I do not mean to say that in the present state of the law it is not competent for a church-rate to be enforced, even in such a parish as Braintree, where the dissentients are a large majority, because I have always felt thoroughly satisfied that there was a power in the ecclesiastical tribunals to punish by unlimited imprisonment—that is to say, by imprisonment until repentance and submission—all parties who, being called upon to join in making a church-rate, refused to attend a vestry meeting, and so to join in it, and we, in Braintree, are seriously apprehensive that such a power will be resorted to. That apprehension rests, in the first place, upon certain very significant passages in the judgment of Mr. Baron Parke."

After that evidence could it be said that the law was a dead letter; and that if it were put in motion it would not prove effectual? In the Exchequer Chamber in Hilary Term, 1850, Mr. Baron Rolfe (the noble and learned Lord now on the woolsack), in the case of "Gosling *v.* Veley," maintained this doctrine, that under the existing law all parties in the parish might be punished indiscriminately for contumacy in neglecting to make a rate, and that the palliation of a doctrine apparently so unjust was, that the churchwardens should take care that the punishment should fall on the obstinate parishioners only. If excommunication, however, were the punishment to be inflicted, he could not see how a distinction was to be made, for excommunication could not pass against a whole body but an individual, and therefore would pass against every individual of the whole body. Having shown that the parties were subject to excommunication for the non-repair of the church, his next step would be to show that the parties were subject to imprisonment. Chief Justice Tindal, in delivering judgment for himself and seven other Judges, of whom the noble and learned Lord was one, in the case of "Binder *v.* Veley," said, the repair of the fabric of the church was a duty which the parishioners were compellable to perform, and not one which they might either voluntarily perform, or decline to perform, at their own discretion, but the law was imperative in directing the performance of this work as a compellable duty; when therefore the parishioners assembled in vestry they did not assemble to determine whether they ought to repair the church and maintain the service, for as to that they were concluded by the law, but how the work might most effectually and most conveniently be done. The judgment stated further that the parishioners could no more cast from them the burden of repairing the church than they could that of maintaining highways and bridges, and also that it left wholly untouched the power which the spiritual court possessed of enforcing church-rates. The learned Chief Justice also said that the spiritual court was empowered to compel the churchwardens to repair the church by spiritual censure, and might punish those parishioners who refused to perform their duty by excommunication; that was (said the learned Judge) since the statute of the 53d of George III., chap. 26, by imprisonment. This power still remained, and the spiritual court could now enforce, by imprisonment, the repairing of the church. But that this was considered to be the case by the Legislature appeared from an Act passed so recently as the statute of the 2nd and 3rd William IV., chap. 93, by which after reciting the inconveniences that had arisen from the process of the Ecclesiastical Courts being inoperative out of the limits of their respective jurisdictions, it was enacted, that any person who, having the privilege of peerage or of Parliament, or others, was ordered by lawful decree of any ecclesiastical court to pay any sum of money, and should not on monition pay the same, on certification thereof, sequestration might issue out of Chancery against the real and personal estate of such person. [Lord CAMPBELL: that refers to the non-payment of the rates, and not the making of them.] He was speaking altogether as to the effect of the law on church-rates, both as to the making of them and as to the non-payment of them. He therefore said that the Legislature, even in their own time, had given to a sentence in the Ecclesiastical Court enforcing church-rates what was equivalent to an execution at common law and a judgment, and over and above all this sequestration of their lands out of Chancery. Instead, therefore, of the remedy for default in payment being less stringent, church-rates had this advantage over tithes or rates for highways and bridges; that church-rates could be enforced by sequestration, and he was consequently at a loss to understand upon what ground it could be contended that the present law was a dead letter. The noble and learned Lord on the woolsack need not feel annoyed at having overlooked this Act. This position reminded him of an incident in the life of Lord Chancellor Thurlow. Lord Thurlow was once called to account for having stated something to be law which was not. Lord Thurlow, in language which their Lordships could not expect him to repeat, reiterated that his decision was correct, and thereupon the objector showed him an act of Parliament. What was Lord Thurlow's reply? Why, that he should have felt ashamed of himself if he had been ignorant of the law of the land; but with regard to Acts of Parliament, he never pretended to know them, and he believed there was no one that did. He was aware that there had been long a desire to put church-rates on a different footing from any other charges on land. Lord Stanley stated that church-rates and tithes were quite distinct. There was one distinction between church-rates and tithes which certainly did exist, and was a distinction in favour of church-rates. For tithes they did not go to the land for the remedy, but they sued the party for subtracting the tithes. In the same way for highways, they did not go to the land for the remedy, but proceeded by indictment against the person. But in the case of church-rates they could not only go to the land, but to the person. The evidence given before the other House by an eminent lawyer, Dr. Lushington, was very remarkable. He did not know whether it was attributable to any connexion with the Radical constituency which that learned Gentleman had so long represented, but it was marvellous to see an ecclesiastical Judge having a strong bias against church-rates. Dr. Lushington being asked by the Committee if church-rates were at any time regarded as a poll-tax, said they were certainly of that nature. He never was more surprised than when he read that opinion, because church-rates were essentially contradictory to a poll-tax—a poll-tax being an equal tax on all persons, and church-rates being a tax according to property. If anything could surprise him more than the statement, it was the reason given by the learned Gentleman for it—that it was obvious they were of the nature of a poll-tax, because, whenever there had been a charge upon land, as in the case of tithes, there had always been a power of distress and seizing the lands. He had no hesitation in saying, that there was not, and never had been, that power in the case of tithes, and if he were wrong in expressing that opinion he hoped he should be corrected; but that being so, church-rates possessed an advantage over all other charges upon the person in respect of land, inasmuch as they were charges upon the land also. It appeared, therefore, that there was a remedy in the case of church-rates, that the remedy was imprisonment; that there was no legal difficulty in having recourse to it, and that it was totally without foundation to say, that the law of church-rates could not be enforced. Those who advocated an alteration of the law urged as a reason, that such was the disposition of the people that it was impossible to carry it into effect. In that House, the very sanctuary of justice, they ought not to be told that justice was not to be performed because it was unpopular in any quarter. The extent of that popularity was, however, greatly exaggerated. A right rev. Friend, after careful investigation, found that 4 per cent of the whole parishes in the kingdom was the whole extent of the resistance to church-rates. Then it was said, the number of cases did not show the amount of agitation. That might be very true; but if the Legislature attended to agitation, he believed they could not stop with the abolition of church-rates, they would have to go much further and to abolish—he would not say higher institutions, for he did not believe there could be higher than the Church—but institutions in a worldly point of view more important. And in what had this anti-church-rate agitation originated? He did not scruple to say, that this agitation had originated, not in a real popular movement but in a conspiracy, and that the conspiracy was recorded unblushingly in the evidence of Mr. Courtauld, who said,

> "It had been previously determined as a very available mode of practically opposing a rate, that a Dissenter (and I was to have been the individual) should be the churchwarden."

He did not recognize Mr. Courtauld as a Dissenter; Mr. Courtauld was something more than a Dissenter, being a Unitarian; and he protested against his calling himself a Dissenter. He put it to their Lordships whether a number of persons combining for the purpose of preventing not merely a lawful act, but what it was the duty of the parties to do, was not a conspiracy?—whether, in law, it did not amount to a very grave misdemeanour, for which the parties, if prosecuted, would be liable to very heavy punishment? But he had not done full justice to the origin of his agitation in merely terming it a conspiracy—it was a conspiracy carried on by premeditated wilful perjury and subornation of perjury. He said that, because Mr. Courtauld was elected churchwarden in order to prevent the performance of the proper duties of the office. The duty of a churchwarden was stated upon high authority, that of Dr. Lushington in his evidence before the Committee, as follows:—

> "The proper duty of a churchwarden is, as soon as ever he comes into office, to see what is requisite and necessary for the sustentation of the church, that is, the repair of the fabric, and the finding of things requisite for the decent performance of Divine Service; those are, strictly speaking, the expenses that ought to fall upon the church-rate. It is his duty to make an estimate in the first instance; to call a vestry immediately; to lay before the vestry that estimate, and to ask from them a rate; if they refuse him the rate, he has done his duty."

He wrote to the learned Judge who gave this opinion (Dr. Lushington), asking him whether there was not here an important omission—whether it was not the further duty of the churchwarden to present to the ordinary "the want of repair, that he had caused an estimate to be laid before the vestry, and that a rate had been refused." The learned Judge answered him, that "Such was the further duty of the churchwarden, and he authorised him to state that such was his judgment." The churchwarden's solemn declaration, in lieu of oath, was as follows—

> "That I will well and truly perform the office of churchwarden within the parish of ——, for the ensuing year, to the best of my skill and ability; and that I will present all such persons and things as by the laws ecclesiastical of this realm are presentable."

Their Lordships would now be enabled to judge of the morality of the gentlemen who conspired to procure Dissenters to be elected churchwardens, with a view to defeat the raising of church-rates, which it was their duty to cause to be raised, and of which duty they were once solemnly sworn and now were solemnly "affirmed" to the performance. An indictment for perjury would not lie for the breach of a promise attested by oath; but it was morally perjury, and so in the case of a promise by way of solemn affirmation—which, by statute, was substituted for oath—to discharge a duty, such affirmation being made with the deliberate object of preventing it from being performed. Morally such conduct was justly accusable of perjury, and subornation of perjury and conspiracy to commit such crimes and violate the law. Yet the wealthy person who had set on foot this odious conspiracy had not scrupled to profess before the Committee scruples of "conscience," forsooth, as to payment of church-rates. This reminded one irresistibly of "straining at a gnat and swallowing a camel." But when they came to be examined into, these "conscientious scruples" turned out to be extremely curious. It appeared that Mr. Courtauld, although he refused to be rated either in the parish of Bocking or Braintree, in each of which he had property, yet in the neighbouring parish of Gosfield he was rated and paid the rate. Mr. Courtauld was asked this question by the Committee—"You have stated that you have yourself individually, and those with whom you act, unconquerable objections in point of conscience to the payment of church-rates imposed upon the parish of Braintree?" Mr. Courtauld replied, "I have." Whereon one of the Committee naturally asked how he could consistently and conscientiously pay a church-rate in the parish of Gosfield, whilst he refused to pay them in the parishes of Bocking and Braintree? The answer was remarkable, and he could well understand the curiosity evinced by his noble and learned Friend (Lord Lyndhurst), but he would defy his noble and learned Friend to guess what it was. Mr. Courtauld replied, "In the parish of Gosfield I have been permitted to construct a family vault and erect—[What?]—a family mausoleum." So that the gentleman who agitated against church-rates in one parish was a hyper-churchman in another, where he had aspired to the distinction of a family mausoleum. This was the right royal style! Few of their Lordships had mausoleums. "Mausoleum" was an Asiatic term of dignity and splendour, and here was the arch-agitator of Bocking and Braintree desirous of becoming the satrap of Gosfield. But when a magnificent estate, lent by an ancestor of the Duke of Buckingham to Louis XVIII., when an exile in this country, came into the possession of a wealthy person, ambitious of a "mausoleum," although the originator of the agitation against church-rates, it was very remarkable that he should select for its site the church or churchyard, and place it under the protection of church-rates. Mr. Courtauld added—"I am, consequently, in the habit of resorting to the parish church of Gosfield"—not on Sundays; let him not be suspected of anything so wrong, but—"on the death of any member of our family, and am thereby a partaker of the advantages resulting from the church of Gosfield." He wished Mr. Courtauld had had more consideration for the poor of those parishes in which he had acquired the enormous wealth that permitted him to extend his possessions into Gosfield, and to indulge his aspirations for a mausoleum. Would it not have been more decent if this wealthy person had taken some slight care that the hundreds of poor people, members of the Church of England, should have had the means of worshipping God in their own parish church? All that this wealthy agitator, however, cared for, it appeared, so far as parish churches were concerned, was that he should have a "mausoleum" in one of them, and the opportunity of interring therein any of the members of his distinguished family. Mr. Courtauld added—

> "I should, however, explain that I, individually, do not partake of what is called the conscientious objection which is taken by many of my brother Dissenters."

He again, in the name of the Dissenters, objected to Mr. Courtauld calling himself a Dissenter. Mr. Courtauld also said that the question of the church-rate struggle, taken *per se*, was gone comparatively into insignificance, but was interesting to Dissenters, as bearing upon the important question of the separation of Church and State. This statement startled the Committee—one of whom said, "that is a large question, will you explain what you mean by separation of Church and State?" To which the witness answered, "I do not know how I can explain it better than by the words themselves—'separation of Church and State.'" The witness was a person of shrewdness. The words were significant enough, and amply described what the authors of this anti-church-rate agitation aimed at. It was well for their Lordships, then, to bear in mind that the concealed and ultimate object of any legislation for the abolition of church-rates was the separation of Church and State. If it was asked whether the present state of things was desirable, he (the Bishop of Exeter) answered that he deplored, regretted, and deprecated it; but he deplored it most deeply on account of the unscrupulous means by which the agitation was carried on, and the weak concessions made to it; so that there was no security that, ere long, their Lordships' House might not be polluted by the proposition of some measure for the abolition of church-rates—that is, for the separation of Church and State, which was the real and ultimate object of the promoters of such a measure. He would gladly see some measure by which the interests of religion might be secured with less opening for the dissension and acrimony which the present system tended to produce. But that it was not easy to devise such a system was shown by the successive failures of all that had been proposed; and he believed that no system could be projected less liable to evil than that which now existed. He had no special love for church-rates, but he agreed with the First Lord of the Treasury, who had said—

> "If the law were that a compulsory power existed, requiring every parish to levy a rate, then that would be the best mode of providing for the fabric of the church."

Assuming—what he could not but assume—that some compulsory system was necessary, he did not believe that any better system than the present one could be invented. With regard to the voluntary system, he admitted that in many populous parishes, particularly in great cities, the church people might themselves do what was necessary for the keeping the churches in repair, and the country ought to be grateful to them for so doing; but he must caution them that all such voluntary measures had a fearful tendency to rob the poor of their rights and privileges. The Peers of England never would desert the poor of England; and, whatever measures they adopted, they must remember that the poor man has as good a right to a seat in church as the highest, the richest, and the proudest had to his rank, wealth, and station. The danger of voluntary measures was that those who contributed money would claim peculiar rights with regard to pews and sittings, and he was sorry that he was able to illustrate that danger by referring to the state of things in the city in which their Lordships were assembled. The parish of St. James, Westminster, contained a population of 36,400, of whom 20,000 were poor. The parish church contained 1,300 sittings let and appropriated, while there were only 400 free sittings for adults—of which not more than 200 were tolerably good—and 100 for children. In St. James's Chapel, York Street, there were 550 sittings let and appropriated, and not a single free sitting had been provided. St. Phillip's Chapel, Regent Street, contained 850 sittings let and appropriated, while the number of free sittings for adults was only fifty, and for children forty. In this chapel there were also 376 sittings in the roof, but they were out of sight and never occupied. He now came to a case of a better description—that of Archbishop Tenison's Chapel, in Regent Street, in which there were 550 sittings let and appropriated, and 400 free sittings for adults and seventy for children, all of which sittings were excellent. Then, again, in St. Luke's Church, Berwick Street, there were 400 sittings let and appropriated, and 380 free sittings for adults, of which 240 were good, and 600 for children. The population of these parishes amounted to 36,400, and their Lordships would perceive how inadequate the church accommodation was; but such results, he believed, they must expect from the voluntary system in towns. They had been told that one-fourth of the parishes in the country resisted church-rates; but, even if they left things as they at present were, he entreated their Lordships not to be induced, by apprehensions of dangers which it was said would arise if agitation on this question were allowed to spread, to desist from earnestly and strenuously resisting any attempt which might be made for the abolition of church-rates.

The LORD CHANCELLOR felt it necessary to make some remarks, although it was a great disadvantage to have to follow the right rev. Prelate in debate, because the House, whether they concurred with the right rev. Prelate or not, always found him very entertaining. On the present occasion, too, the right rev. Prelate had very greatly amused their Lordships; but in the latter part of his speech, he had entirely lost sight of the subject of the petitions he had presented and of the subject he had brought before the House; for however much it might be lamented that, in the large London parishes, where the churches were originally built for a population of one or two thousand, the accommodation was inadequate for either rich or poor, when it was multiplied to 30,000 or 40,000, it was not, surely, any fault of the church-rates that such deficiencies existed. No law had ever recognised the obligation of levying church-rates to build new churches as population advanced;—that had been done under special Acts of Parliament, from time to time passed; and if the Church Building Acts did not make adequate provision, that was quite a different question. The right rev. Prelate had, in a very entertaining way, described to their Lordships the aspiring ambition of what he called the House of Courtauld, and had amused their Lordships with his remarks upon the evidence of a gentleman of that name; but really, whether Mr. Courtauld was, or not, a Dissenter, as he described himself to be, that, with other private and personal matters, to which the right rev. Prelate had referred, were matters with which their Lordships had no concern at all. But to the former part of the address, he (the Lord Chancellor) felt himself bound to make some observations, inasmuch as the right rev. Prelate had insinuated that he (the Lord Chancellor) had, not intentionally, but through ignorance, misled their Lordships on a former occasion, and inadequately represented the state of the law as regards church-rates. Now he (the Lord Chancellor) would not shelter himself behind the example of Lord Thurlow, who replied to a similar remark (although in language far less courtly than that of the right rev. Prelate), "I don't consider myself bound to know all Acts of Parliament." He (the Lord Chancellor) admitted that if he had ever, unintentionally and in ignorance, misled their Lordships, he should ask their forgiveness, but he would say now exactly what he said the other night, because it happened to be a subject which, from accidental causes, had been present to his mind judicially, ever since he had occupied a seat on the bench; and therefore if he now forgot the result of that consideration he had formerly bestowed upon it, he should be quite unpardonable. It was about fifteen years ago that this question arose at Braintree, as to whether, when the parish would not make a church-rate, the churchwardens could not do it *in invitos*. That came to be considered, first in the Court of Queen's Bench, and was then carried into the Exchequer Chamber, and elaborately discussed, he (the Lord Chancellor) being one of the Judges of the Exchequer at that time, and his noble and learned Friend (Lord Campbell) being then, as he believed, Attorney General, was one of the counsel by whom the question was argued. It was very deeply considered, and certainly there was no disposition on the part of the Judges to warp the law; they looked into it most laboriously, endeavouring rather, if they could, to find that there was authority for saying that the churchwardens could impose that rate; and they would have been glad to come to that conclusion; but they found that there was no such authority, and consequently they declared against the rate. But, in delivering the unanimous opinion of the Judges to that effect, Chief Justice Tindal did throw out a suggestion which he (the Lord Chancellor) was sorry for, and which he did not conceive to possess any weight; but, although the Chief Justice was delegated to declare the opinion of the Judges together, he (the Lord Chancellor) should protest against its being considered, that every opinion expressed by him, and not material to the discussion, should be taken as what the other Judges who were present concurred in. He thought at the time that the suggestion of Lord Chief Justice Tindal would involve parties in expense, without any beneficial result. That suggestion was, whether, as it was the duty of the parish, by the ancient immemorial law of the land, to keep the church in repair, there might not be some doubt whether, when the parishioners were met to see how that should be done, those who chose to say, "We will not vote anything," did not put themselves in the same position as voters who, in the election of a Member of Parliament, chose to throw away their votes on something quite beside the purpose of the election; and whether the remaining parishioners might not then, although the minority, proceed to make the rate. The course thus suggested by Chief Justice Tindal was taken, and the question came before the Court of Exchequer again; and in the beginning of 1850 the Judges delivered their opinion. He, himself, thought the minority had no such power; and he gave his reasons. Mr. Baron Parke and Lord Truro took this same view; but the majority of the Judges decided in favour of the rate. It was brought, by appeal, before the House of Lords, but he (the Lord Chancellor) took no part in their Lordships' decision, though he thought it was a perfectly correct one. This being the state of the law, the churchwardens could not make a rate; the minority could not make it; then who could make it? The right rev. Prelate had asked, whether the parish was not liable? Undoubtedly, the repair of the church was part of the *trina necessitas*, so called by the old Saxon law, to keep the churches, the roads, and the bridges in repair. But it was an obvious maxim, that where there was no legal *remedium*, there was no *jus*; and such an obligation could not be enforced. The remedy, such as it was, was absolutely impracticable, and one it was quite ridiculous to speak of. In ancient times the predecessors of the right rev. Prelate, when the Church of England was Roman Catholic, knew how to enforce anything of this sort. It was doubtful whether they ever imposed an interdict upon a whole parish, but they could excommunicate all the parishioners individually. But, to talk of that being a remedy in these days was absurd. The right rev. Prelate said, there was practically a substitute for it; and he referred to an Act by which, in case of a person under sentence of an ecclesiastical court, the Court of Chancery could formerly issue a writ *de excommunicato capiendo*, under which the person might be imprisoned. It is not quite so now; but if the person refused to submit to the sentence of the Ecclesiastical Court, that being certified to the Court of Chancery, a decree might be made requiring him to do so; and if he still refused, that would be taken as a contempt of Chancery, and a writ *de contumace capiendo* might be issued, and the defendant be put in prison —it was to be presumed, in such a case as the right rev. Prelate contemplated, until the church was repaired. But practically, there was no remedy; for nobody was bound to lay a rate: that was only the method adopted, by way of a bye-law, to keep the church in repair; and all the Ecclesiastical Court could do was, to lay hold of any parishioner, whether he was one who had voted for a church-rate or not, and to proceed against him, because his parish had not got its church in repair. But it was perfectly ridiculous to suppose that, in the nineteenth century, this could be tolerated for a moment. Such was the state of the law; and if the right rev. Prelate thought the case would be remedied by retaining the law in that state, others would not be so sanguine of it; because no sane man would ever institute any such proceeding. The right rev. Prelate had referred to some modern Acts of Parliament, giving the power of sequestration. But for what? Not for not having the church repaired, or for not making a rate, but for not paying a rate which had been lawfully imposed. No question if a rate was lawfully made, there were plenty of means of enforcing the payment of it; but the difficulty was to get the rate properly made. This subject had engaged the attention of the Government and of preceding Governments, and the real *desideratum* was to find out some mode of keeping all these valuable buildings in repair without causing that irritation of the minds of persons dissenting from the Church which they not unnaturally felt at being called upon to maintain a church to which they did not belong. He agreed with the right rev. Prelate that to talk of not paying the rate from conscientious scruples was in most cases a mockery; but the fact was that persons objected to pay church-rates, because they did not like the expense of having to keep up their own places of worship, and being bound at the same time to contribute to those of churchmen. It might not be a very highminded feeling, but it was not very unnatural. Any person who should propose a plan which should offer a reasonable security for keeping the churches in repair without irritating the feelings of those who differed from the Church, would confer a great boon upon the community, and would deserve well of the country. It would be wrong now for him (the Lord Chancellor) to say what the Government contemplated. An hon. Gentleman in the other House had obtained leave to introduce a Bill upon this subject; but he could not yet say how far that measure might be adopted or improved upon, or whether, later in the Session, or next Session, the Government might not feel it expedient to undertake the question.

THE BISHOP OF LONDON said, he entirely concurred with the right reverend Prelate, that the abolition of church-rates would, through the Church, strike at the cause of religion, and at the rights especially of the poorer members of the Church of England. He very much doubted whether the means for enforcing the levying of a church-rate could be applied: but, at the same time, he was confident that their Lordships would not agree to the Bill which was likely to come up from the other House, and the object of which was, he understood, simply to abolish church-rates. He was by no means without hope that eventually a measure would be devised which would secure the rights of the poor, and provide efficiently for the maintenance of the fabric and for the necessaries requisite for the performance of divine service, and yet should not be encumbered with the many difficulties which at present rendered the enforcement of church-rates almost nugatory.

LORD CAMPBELL thought that the House and the public were very much indebted to the right rev. Prelate who had initiated the present discussion. The subject was one of the highest importance and would not brook delay. The Bill, as their Lordships knew, was pending in the House of Commons, which would probably be shortly laid before their Lordships, for the total abolition of church-rates, without providing any substitute. To that Bill he never would give his assent, for he believed it was absolutely necessary to maintain the establishment and to provide for the efficient performance of religious worship. He confessed that the proposal for the total abolition of church-rates deeply shocked him, and he was surprised that it had met with support from some quarters in which he thought a strong opposition would have been manifested; for he looked upon such a measure as neither more nor less than one of spoliation. While, however, he thought the right rev. Prelate had done good service in bringing the matter before the attention of the House, he was of opinion that the right rev. Bishop had made use of a false argument in opposition to the Bill; for he could confirm the statement of the noble and learned Lord on the woolsack, that at present there was no means whatever of enforcing the making of a church-rate, although, when the church-rate had been made by the majority of the district, there was no difficulty in enforcing its payment. In the Roman Catholic times of this country there was no such difficulty, for the effect of the ecclesiastical censure was then tremendous, and those who refused to make the rate were cursed with bell, book, and candle, and cut off from the benefit of the sacraments. Since the Reformation there had been no instance of a successful personal proceeding against persons who refused to make a church-rate. The first attempt was made in the time of Lord Kenyon, when an application was made for a *mandamus* to compel the making of the rate; but that learned Lord had decided that he had no power to interfere, and referred the parties to the ecclesiastical tribunal, and that decision had been followed to the present time. He (Lord Campbell) believed that if stringent measures were adopted, such as imprisoning parties who refused to make the rate, the effect would be most injurious upon the interests of the Church. He should rejoice if some measure could be suggested which, like the measure in substitution for the church-cess in Ireland, would provide for the support of the fabric and the maintenance of Divine worship in churches, while at the same time it would relieve Dissenters from the payment of a rate to which they conscientiously objected.

The Bishop of EXETER briefly replied, reiterating his statement, that by the statute of 1833 it was distinctly provided that every order made by an ecclesiastical court should be obeyed, under the penalty of writ *de contumace capiendo.* Whether it were for the enforcement of a rate already made, or for the making of a rate, it was the same thing; and he was able to say, as he had said before, that it had been proved by experience to be effectual, for in several cases it had been put in force; and as soon as the threat of putting it in force was made known, the rate was made. By the very confession of the agitators at Braintree, they dreaded the exercise of that power.

Petition to lie on the Table.

WAR WITH RUSSIA—CONDUCT OF THE WAR—PETITION.

The Earl of ALBEMARLE said, he had to present a petition from merchants, bankers, manufacturers, and inhabitants of Bristol, praying that their Lordships would be pleased to take such steps as were in their power to induce Her Majesty's present Ministers to establish a strict blockade of the enemy's ports, and to make such representations to the Prussian Government as should compel that Power to close the overland trade with Russia. At the same time he wished to move for certain returns relating to the various products of Russia, in order to show that there had been more than the usual quantity imported from that country recently, and to prove the inefficiency of the blockade of last year. He also wished to ask in what manner the Government proposed to allow the trade with the enemy to be conducted in future? It appeared to him that this subject was the most important that could by any possibility occupy their Lordships' attention. The disposal of everything rested with a higher Power; but, humanly speaking, he considered that the Government were responsible either for peace or war. He believed it to be in their power, by an energetic and vigorous policy, to bring the war to a speedy termination; or, failing in that energy, to make the siege of Sebastopol another siege of Troy. He trusted that their Lordships would excuse him if he borrowed a phrase used in another place, to the effect that "it was the policy of Government to inflict the maximum of injury upon the enemy, and the minimum of injury upon ourselves." Now, with regard to inflicting the maximum of injury on the enemy, the question naturally arose, in the first place, had we done so? and next, was there any reasonable prospect that we should do so in the next campaign? War was declared upon the 28th of March, 1854; and, as the law stood at that time, it was felony, if not treason, for any subject of these realms to trade with the enemy. That wholesome law was departed from, unfortunately for this country, for it was his sincere conviction that, had we adhered to it, instead of attending Vienna Conferences with "bated breath and whispering humbleness," instead of appearing as suppliants suing for peace, and submitting to the humiliation of a refusal, we should have Russia at our feet, begging for peace upon any terms, and imploring us to save her from the fury of a nobility whom our measures had driven to beggary and despair. The Government, last year, declared their intention to establish a strict and vigorous blockade. The blockade of the Baltic was tolerably effective; the blockade of the Black Sea was partial, and unfortunately, the partiality was in favour of the enemy; for while we blockaded the mouths of the Danube, and shut in from the markets 2,000,000 quarters of corn belonging to our friends, we left all the ports of the enemy open, and let out millions of quarters of linseed belonging to the enemy. The British merchants, relying on the repeated assurances of the Government, regarded the Black Sea as tabooed, and, looking upon it as treasonable to trade with the Black Sea, went to Africa, to India, and elsewhere, and brought a large supply of linseed into this country. But the enemy was beforehand with them, and they were obliged to sell their produce at a depreciation of 15 per cent. In this case, therefore, the maximum of injury was inflicted upon British merchants, while the maximum of profit was enjoyed by the enemy producers. It appeared, from the best authentic accounts, that more than 10,000,000*l.* of gold and silver went into Russia from this country in the first year of the war for goods received. It was to be presumed that the Government would not renew the blunders of last year, but that both in the Baltic and the Black Sea there would be a strict and vigorous blockade, as far as ships could effect it; but ships alone were abortive to make that blockade effectual. The petition he now presented was conclusive on this point. The land transit trade from Russia to Prussia must be diminished. By the mode in which it was conducted the goods were not, as heretofore, transmitted to St. Petersburg, but were brought through the departments of Smolensko, Tver, and Novogorod, to the frontier town of Taurogen, and were shipped thence to Memel, the distance of only a few miles. He thought that the Government were bound to do one of two things—either to raise the blockade, to diminish their naval armaments, to send out more land forces, which of course involved the shedding of more blood, or to take the alternative—enforce the blockade vigorously by sea and land. In the petition which had been entrusted to him the House was called upon to "take such steps as to compel the Prussian Government to close the overland trade with Russia." Now, upon the nature of these he would not enter: he left them to the responsibility of Ministers. His wish at the present moment was only to ventilate the subject, and he would first go to the question of prohibition. That was no new subject to the Government, past or present. That prohibition was urged upon the Government, and was recommended by the persons of all others who were most competent to advise them—namely, the merchants trading with Russia. Ever since he had a seat in either House of Parliament he had been an enemy of class interests; but he could not but advocate the views of these merchants, for he believed that their interests and those of the public were inseparably connected. Their advice was certainly preferable to sending 10,000,000*l.* to recruit the resources of the enemy. It had been asserted that such a prohibition would not succeed, and that it would inflict no injury upon Russia, and great injury upon ourselves. He was ready to take the converse of that proposition, and to prove that this step of entirely stopping the trade of Russia would inflict the maximum of injury upon Russia, and the minimum of injury upon ourselves. He argued this from the peculiar nature of the trade. Their Lordships were perfectly aware of what the export trade of Russia consisted. It consisted of a few articles of raw produce, raised by serf labourers, who were the property of the nobles of that country. The Russian landlord nobles were a military caste; they not only held all the principal commands in that country, but the whole army was raised by them. All the ranks were filled with them, from the field-marshal down to the private soldier. Every landlord was a soldier, and landlords were not a very patient order of beings in any country; but a soldier-landlord, with a sword at his side, was a man who, in a military country, was likely to make himself heard. Well, these exports were the property of the soldier-landlords of Russia. The exports formed the rent of the Russian nobility; any injury to the rent must be an injury to the nobility. Now, the policy of this country last year, and their policy this year, as it had hitherto gone on, was the very opposite of all the principles which they had been talking about, as to inflicting a maximum of injury upon Russia, and a minimum of injury upon themselves. One effect of these imperfect blockades had been to make the war popular with the people of Prussia. It in some degree reconciled them to the disgrace which the vacillation of their sovereign had brought upon them, and made the gain to their interest act as a counterbalance to their loss of honour. But a far more serious consequence of our policy was, that it made the war popular with Russia, and its soldier-landlords; and as long as that feeling existed, let our successes be as brilliant as they might in the Crimea, peace was utterly impossible. There could be no peace until they made those exponents of public opinion in Russia, those military landlords feel more severely the pressure of the war. But so far from that having been the case, the land transit of last year had produced the most beneficial effect to them. They netted, it was true, a little less profit on their exports; but their horses and carts for carriage were an immense source of profit to them—so remunerative, indeed, was it found to be that they brought carts and horses from the confines of Siberia. A good system of policy on the part of this country would not have brought about such a state of things. The object of this country ought to be to make the war unpalatable to the Russian nobility, to make their exports unsaleable, to make their serfs unprofitable. On this export trade the Russian noble entirely depended, and his habit being always to live up to his means, and generally far in advance of them, he had no money to fall back upon as a resource whenever that export trade should fail him. There was no middle class in Russia. No man in Russia could supply himself with a conveyance of his goods to the marts; that was wholly in the hands of a small but a highly-respectable body of British merchants; the Russian landlords could not convey their goods to the port of shipment; that was, again, supplied by British merchants. Now, this body of Englishmen, as respectable a body as any in that country, had been in existence before the present capital of Russia was known, and when its site was a desolate spot amid the marshes of the Neva; even before the name of Peter the Great was known they were carrying on trade at Archangel between Russia and England. He dwelt upon this, because these merchants had repeatedly declared to the Government, that if the orders in Council permitting the trade were repealed, and that the Statute law were to be enforced as it was before those orders were made, they would entirely discontinue the Russian trade. They ought to be believed in that assertion, for it was obvious that men of their high character were not disposed to risk their honour as British merchants, and to incur disgrace and banishment by evading the law. He therefore wished their Lordships to bear in mind the inevitable consequences that would arise from their not carrying into effect the statute law which made it treason to trade with an enemy. That, independently of any measure to prevent the ingress of Russian products, would destroy at once two-thirds of her exports, and three-fourths of the capital by which it was carried on—for three-fourths of her money transactions were conducted in London. It was said, that if these merchants did abandon the trade, another class of persons would come forward; but who were they, he should like to ask? Who could succeed those merchants? Let us see what would be their requirements. First, they must be men of capital and of credit from the very nature of the trade. It should be specially borne in mind that the trade was one of advances, and unlike the usual system of trading. Everything was to be paid in advance, and who were the persons to do it? Were they merchants of any other country? They did not exist in Russia; they did not exist in Prussia. There were none. He did not wish to speak of any particular country or place, but he understood that there was nobody so low in purse or in credit as the Prussian merchant. If they took the test of solvency—namely, the rate of discount, he believed that the Prussian merchants paid 20 per cent discount, and were those the persons to take up a trade involving an enormous capital? The idea was utterly preposterous. But capital was not all that was required. They might have capital and credit too, but something more was still wanted. Great local knowledge and a personal acquaintance with the native agents were equally necessary, for without these all the capital and credit they could command would not enable persons to understand the way in which this trade was carried on. The British merchant made repeated advances from the beginning of Autumn to the beginning of March in the following year to a set of native agents. Those agents had to travel from 500 to 1,000 miles into the interior, visiting the various fairs and marts of commerce, for the purpose of bringing back the commodities which they were commissioned to purchase. They were often delayed, and had to wait the melting of the snow to enable them to float their river boats, by which they were conducted to the port of shipment. The question would naturally suggest itself, what security had the merchants that these men would not run away with the property? There was none whatever — practically speaking, there was no redress at law for such a contingency. But, notwithstanding, it was known perfectly well that the trade was carried on profitably—and why? Because from its being an old-established trade there had sprung up a degree of confidence on the one hand, and a principle of good faith on the other, which prevented those parties from dealing unjustly. How, he would ask, was it possible that such a class of men should suddenly spring up in Russia? They might, no doubt, in the course of years, but, in the meanwhile, what would become of Russia—what would be the condition of Russia? That was the point to which he wished to call the attention of their Lordships—it was the most important question of all. By adopting the course these merchants demanded, her exports would be destroyed; the rouble would be of the value of a French *assignat;* in two years her finances would be in the most inextricable confusion; and the soldier landlord, the man upon whose courage and fidelity the Sovereign must depend in the day of battle, would be rendered desponding, despairing, and disaffected, when your prohibitive policy had taught him that not merely had the war stripped him of his serfs—not merely had it burdened him with taxes, but that it had brought him to beggary and ruin by having entirely deprived him of his trade. Could the war be carried on for a single year by Russia under these circumstances? He was not speaking entirely in ignorance of the country or of its people, for he had travelled from one end of Russia to the other. He was there in 1824, and saw a little of the temper of the nobility at that time, and they talked just as freely of the insurrection which took place there the year after as the clubs of London now talked of the efficiency of Her Majesty's Government. There appeared to be an undefined notion abroad in this country that if a stop were put to our trade with Russia we should be ruined for ever; but what foundation was there for such a notion? There was none whatever. Their Lordships must bear in mind that the raw products of which the Russian exports consisted were not of so rare a kind that one country only could produce them, but were to be had all over the world. The Russian hemp, for instance, was by no means the best that came into the market, and he found by the prices current of last Saturday that 16 per cent more was obtained for the Manilla hemp than for the hemp produced by Russia. It could also be obtained from the North of France and Lombardy, and from the latter country the Government had procured several thousand tons. Passing from Europe to India, they would be lost in wonder at the superabundance in that country of the materials which were now obtained from Russia; all the vegetable creation seemed to resolve itself into the three products of hemp, flax, and if not into animal tallow, at least into a substitute for that article. From the Himalaya Mountains to ten degrees of south latitude there were whole tribes of trees which furnished a substitute for hemp. The nettle also produced rope superior to the best Russian rope, for a Russian fibre had broken with a weight of 160lb. while a fibre of nettle had held 400lb. without breaking. The Philippine Islands, again, produced the Manilla root, which, after clothing 4,000,000 of people, came into the market as the best rope in the world. Iron was also a great competitor with hemp. When the iron cable had first superseded the vegetable cord cable, down had gone the price of hemp, and it had again gone down since the patent for iron wire had expired; the iron cable was now used by all the great companies and shipmasters, being as efficient for the standing rigging of the smallest yacht as for that of the largest vessel. It was stated by Messrs. Noble, the great hemp brokers, that if Her

Majesty's Ministers would declare that it was unlawful to trade with Russia for one year, such an impetus would be given to the growth of these textile fabrics that they would be able to compete with the products of Russia in price, quality, and quantity. Russian flax was beaten by that of Belgium, the latter having a superiority of 12 per cent in the market. Here, again, they might depend upon a supply from India, as the immense population of that country, and their great industry and mechanical skill, rendered those products the most profitable which partook of a vegetable and a manufacturing character, such as hemp and flax. Last year, as president of the Agricultural Association in his own county, he had urged the cultivation of flax upon the agriculturists of Norfolk, but he was glad they had not taken his advice, as he had given it in reliance upon the assurance of the Government that an effective blockade would be maintained. Ireland, too, was peculiarly fitted for the production of this fibre, from the comparative cheapness of its labour, the humidity of its climate and the fertility of its soil. Several of the northern provinces had already cultivated it. The celebrated engineer, Sir J. M'Neill, had, on the faith that the blockade of the Russian ports was to be strictly enforced, laid 600 acres under flax, but the market was glutted by Russian produce, and he could now only sell at a loss. He now came to the question of tallow. Before war was declared Russian animal tallow had been losing its price in the market, having been superseded by vegetable oils, and the taking the duty off soap had had a great effect in extending the number of substitutes for animal tallow. Messrs. Price and Co., the largest candle manufacturers in the world, who employed no less than 2,000 workmen, had not a cask of animal tallow upon their establishment, its place being supplied by palm and other vegetable oils. The palm, from which this oil was obtained, grew along the coast where the slave trade prevailed, and it had been found that in proportion as the slave trade diminished, an increase took place in the quantity of oil produced, so that by rescinding the order in Council of April 15, 1854, they would contribute to diminish the slave trade. France, again, which was a great exporter of candles and soap, abstained almost entirely from the use of animal tallow, substituting for it what was commonly called the African ground or pig-nut, which they obtained from Algeria—it, however, was not a nut, but of the pulse kind, and grew in almost every part of Africa; it was easily cultivated and very remunerative. In order to show how unexpectedly and the facility with which substitutes were found for tallow, he would cite the instance of the Irish Peat Company, started for the purpose of extracting from peat a naphtha oil, which was worth about 1*s.* per gallon; but it was soon found that this oil possessed the high lubricating quality necessary for machinery, and in a few months the price rose from 1*s.* to 5*s.* a gallon. Peat was not a very scarce thing in Ireland, and he therefore hoped that the Peat Company would contribute their *quota* towards substitutes for Russian tallow. The Government had, thanks to the blockade, inundated this country with Russian goods—hemp, which was at 70*l.*, had fallen to 50*l.*; flax, which was at 52*l.* per ton, had fallen to 37*l.*; and tallow had declined from 70*l.* to 48*l.* An argument used against the rescinding of the order in Council was, that it would tend to encourage trade among neutral Powers, and that in Prussia flax mills would spring up on every side. But what was the mighty competition which was feared? In Prussia there were but nine flax mills; they might erect others, but in order to do so they would require time, capital, skilled labour, and machinery, which latter must all come from England. No manufactory could be erected under 50,000*l.*, and while these preparations were being made it was supposed that Prussia would be allowed to continue in her *quasi* state of hostility, breaking the law of this country by breakng the blockade, and allowing goods to come through her territory, supplying at the same time our enemies with arms and munition of war. But Prussia might be found either employed in stopping the ingress of Russian goods, or might find an allied fleet blockading her ports in the Baltic, and a Russian army on the right bank of the Rhine; or there might, perhaps, be an appeal to the nationalities, which had been expressed by more than one of Her Majesty's Government without any great disfavour being shown, he believed, by the Chief Minister. But if matters came to the worst this competition on the part of Prussia would but end in a few million more yards of Silesian linen. They were also told that in Italy and Holland this neutral trade would be carried on; but the question again arose, where would they find capitalists and men? He had dwelt thus much on the importance of putting an end to the war by stopping the funds by which the trade was carried on, but he did not attach much importance to the machinery by which the progress of Russian products into this country was to be prevented. The plan proposed by the petitioners was, that the importer of Russian products should make an oath before the consul that such goods were the products of another country. Now, he admitted that these certificates might occasionally be evaded, that an importer might be found to swear to anything; and a blundering consul—though he hoped the Government would only appoint efficient men—might not be able to discriminate between Riga, St. Petersburg, or Lombardy hemp. But he derived his belief of the efficiency of certificates of origin from the nature of the men who would be employed; for they must be men of capital and credit. He thought he had already shown that the sacrifices which this country would be called upon to make would not be so serious as might be supposed; but if we were not prepared for sacrifices, why did we go to war? No nation with a great external trade could enter upon war without making sacrifices. War entailed two burdens — the heavy expenses of naval and military establishments, and the interruption of the trade of the country with which it was at war, this latter loss being in proportion to the extent of trade with the enemy. How did this country stand with regard to Russia? This country could, in a commercial point of view, better go to war with Russia than with any other country, as Russia had, during peace, inflicted more evils on this country than any other by its hostile tariffs. In fair and open trade between two countries, in the exchanges of products for products, the balance of gold and silver was sometimes on one side and sometimes on the other. How did this country stand with regard to Russia in this respect? From the return of exports and imports last laid on their Lordships' table, he found that British exports to Russia amounted to 1,228,404*l*., while this country received from Russia imports to the amount of 9,200,841*l*., so that this country had to pay a balance of gold and silver to Russia of 7,792,437*l*. The object of this country ought to be to make Russia suffer more than it did; but, as our trade was of more consequence to her than her trade was to us, it was as evident as a demonstration in *Euclid* that, under the present state of things, this country had been inflicting the *maximum* of loss upon itself, and the *minimum* on Russia. We took two-thirds of the whole of the exports of Russia, while Russia took scarcely one-eightieth part of the products of this country. The account, therefore, stood thus:—By losing our custom, Russia lost two-thirds of her export trade, and nearly all the capital by which it was carried on; while we lost a very trifling portion of our trade, and the capital was our own. But even if so favourable a balance could not have been shown, was this a question which ought to be treated in a miserable huckstering style? Were Russian hides and tallow to be weighed against English blood and sinew? Viewing the question even in this, the narrowest point of view, it would be found that we had the means of greatly crippling the commerce and enterprise of Russia, without proportionate sacrifices on the part of this country; for it would cost us only one-eightieth part of our exports to reduce the imports of gold and silver into Russia by something like 7,792,000*l*. He thought the bargain would be a good one. Well, now, that would be precisely the effect of the step he was urging upon Government; although it might be opposed to the principles of political economy. No doubt it is very much opposed to political economy, but so is war in every shape and form. In truth, war and political economy, as every one must see, are incompatible with each other. War implies a negative of all trade; hence no principles of political economy, or any other principle connected with peaceable relations, are involved.

LORD STANLEY OF ALDERLY said, that there could be no objection to the production of the papers for which the noble Earl had moved, although he was afraid that they would not give much information, as they afforded a very imperfect test of the amount of commerce carried on. The noble Earl complained that the blockade had been imperfectly exercised, and that there had been little injury inflicted upon the Russian trade while a great deal had been done to our own. He would beg to direct their Lordships' attention, however, to the circumstances under which the blockade had been first instituted. We were engaged in a war with Russia in concert with an ally who entertained a different opinion to ourselves with regard to questions of maritime law and the rights of belligerents. They recognised the right of neutrals to carry property of the enemy without being subject to the right of search, and that was one reason which rendered it necessary to deal tenderly with any interference with the commercial proceedings of the enemy. But there was another circumstance which rendered that necessary. It was the practice for merchants in this country to pay in advance for Russian produce, and the consequence of that system was, that at the time when the blockade was instituted, nearly all the Russian produce which was lying in the ports of the Baltic and the White Sea was, in point of fact, the property of English and French merchants, and not of Russians. If a blockade, therefore, had been immediately instituted upon the breaking out of the war we should have injured our own subjects, and not those of Russia. For this reason it was thought desirable that the period for commencing the blockade should be extended, and that time should be given to allow of the exportation of all such produce from Russian ports; but that order in Council had only reference to British merchants and in no way altered the law. The noble Earl, stated that the blockade had not been enforced. Upon this point he must join issue with the noble Earl, for he believed that since the blockade had been enforced in the White Sea and the Baltic not one single cargo of Russian produce had been exported from any Russian port upon those seas. With regard to the Black Sea, he admitted that the circumstances were different, and he regretted that they were so. We had not had ships available for the purpose of enforcing a blockade in the Black Sea; and the consequence was that a large amount of produce was imported thence into this country, to the benefit chiefly of the Greek merchants. A blockade had, however, now been imposed (from the 1st of February) of every Russian port, and there was no single port of the Black Sea, the Baltic, or of the Gulf of Finland, which would be in future unblockaded. The geographical position of Russia was such that a marine blockade could without much difficulty be established, because, although there was a large extent of territory, the maritime outlets were few. He would now call their Lordships' attention to the actual result of the blockade which had actually had a great effect in crippling the Russian trade. The total importation of hemp for the year ending March, 1854, was 1,208,371 cwt., of which there was from Russia 802,706 cwts., or 66 per cent., while from other countries there were 405,665, or 34 per cent; while in the year ending March, 1855, the total imports were 1,281,076 cwts., of which there were from Russia 422,439, or 33 per cent., and from other countries 858,637 cwts., or 67 per cent.; so that the proportions were actually reversed. It must be also remembered, that all excess of Prussian trade in this article over the importation of the previous year had been considered Russian produce. The total importation of tallow for the year ending March, 1854, was, 1,210, 151 cwts., of which there were from Russia 840,137, or 69 per cent., and from other countries 370,314, or 31 per cent. In the year ending March, 1855, the total imports of that article were 797,090, of which from Russia there were 424,064, or 53 per cent., and from other countries, 373,026, or 47 per cent., showing a decrease in the total imports of 34 per cent., and a decrease in Russian imports of 49 per cent., but an increase from other ports of 1 per cent. With regard to flax, the imports for the year ending March, 1854, were 974,864, quarters, of which from Russia there were 749,908, or 77 per cent., and from other places 224,956, or 23 per cent. In the year ending March, 1855, the total imports were 854,771 cwts., of which 403,663, or 74 per cent. were Russian, and 451,108 quarters, or 53 per cent., exports from other countries, showing a decrease in the total imports of 12 per cent., and of 46 per cent. in the Russian imports, but an increase in the imports from other countries of 100 per cent. There were some other details with regard to tar, bristles, and raw cotton, with which he need not trouble the House at that late hour. He had referred to these returns to show the very considerable effect produced even by the partial blockade for a portion of the last year, and the more rigorous one in the present. What then, might be expected next year, when there would be a continuous and effective blockade?—And it was only reasonable to suppose that the trade of Russia with other countries had been reduced in a corresponding degree. There could be no doubt that the trade of Russia would be most materially crippled. He now came to the main proposition of the noble Earl—that referring to the absolute prohibition of all Russian produce, whether exported from

Prussian or from other German ports and the entire cessation of their own commerce with Russia. Now, he would ask the noble Earl how it was possible to arrive at a knowledge as to whether the produce imported from neutral ports was Russian or not? Were the English consuls at every Prussian or other German port to give their certificates that the produce exported was the production of the country from which it was exported? It was notorious that certificates of origin were most falacious in their operation; and, if merchants were unscrupulous enough to engage in trade with an enemy, they would not prove an effective means of putting a stop to such trade. Even if it were possible to arrive at the knowledge that the articles so exported were Russian produce, and not that of the country from which they were exported, they would not be able to get rid of the difficulty, for when produce had been submitted to any process of manufacture, however slight, it became a "manufactured article" and was considered the produce of the country from which it was exported, and not of that from which it originally came. Now, with regard to tallow, a very slight operation was sufficient, in law, to convert it into a manufactured article. So with regard to hemp and flax. Under those circumstances, it would be very difficult to certify what was really Russian and what the produce of other countries, and he need hardly point out to their Lordships how extremely cautious they should be in interfering with the genuine trade of neutral countries. He trusted that the noble Earl would be satisfied with what had been already done, and with what was likely to be done in the present year, when the blockade would be efficiently and immediately enforced, more especially when he considered that half of the Russian trade had been destroyed, her mercantile marine swept away, and her men of war were ignominiously shut up within her arsenals or sunk in the entrance of her ports, whilst the British flag floated triumphantly unquestioned on every sea; when the noble Earl considered all these things, he would find that he was hardly justified in saying that the blockade had been emtirely ineffectual.

Lord BERNERS was glad that this question had been brought before the House, and expressed his gratification at hearing that the blockade was to be rigorously carried out. He should be still further gratified if the policy, which he believed to be the true national policy, were further pursued, by the destruction of private property in Sebastopol, which had, as he understood, hitherto been spared.

The Earl of ALBEMARLE, in reply observed that the returns from which the noble Lord the President of the Board of Trade had quoted were incomplete, and therefore no inference could be drawn from them. If he found the assertion of his noble Friend, that this blockade would be made effectual, established by the fact, he should be perfectly satisfied; but should that not be the case, he certainly would at some future period put his views in the form of a Resolution, and take the sense of the House upon it.

Petition ordered to lie on the table; also, Return ordered of the quantity of Hemp, Flax, Tallow received into this country from Russia and Prussia between the 1st of January and the 27th of April in the years 1853, 1854, and 1855 respectively.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, April 27, 1855.

Minutes.] Public Bills.—1° Dissenters' Marriages; Piers and Harbours (Scotland); Local Acts.
2° Education (Scotland).

ENGLAND AND IRELAND IMPROVED COMMUNICATION BILL.

Order for Second Reading read.

The Marquess of CHANDOS, in moving the second reading of this Bill, said, that it was limited to the passenger and postal service between Holyhead and Dublin. A great many statements had been circulated in opposition to this Bill; but they were chiefly founded on a misapprehension of its objects.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. CAIRNS said, he did not rise to ask the House to reject the Bill, but he wished that the second reading should be deferred. The Bill went to authorise the London and North-Western Railway Company to build and own steam-boats, in conjunction with the Dublin Steam-Packet Company, to ply between Holyhead and Dublin. But there was not a word in the Bill to show how the communication was to be improved. In fact, the company had no contract with the Government, and from an answer given to a question he put the other night, it appeared that the Government was about entering into the contract on the old terms. It was the duty of that House not to give the Parliamentary powers asked for, until the company showed that they had a provisional contract with the Government, and had bound themselves to perform the service better than it had been done before. He did not wish to negative the Bill altogether; but would move that the second reading be deferred for a month, in which interval the company might ascertain whether they could obtain a contract with the Government.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day month."

Question proposed, "That the word 'now' stand part of the Question.

Mr. FRENCH said, he begged to remark that although the Motion was not in accordance with the usages of the House when an intention existed to throw out a Bill, nevertheless the present Motion amounted in substance to the same thing. For years everybody had been complaining of the difficulties of the passage between England and Ireland. A responsible company now came forward prepared to supply competent vessels, which would perform the voyage in between three and four hours—the time at present occupied being frequently upwards of twelve hours—they also undertook to supply passage-boats twice a day, and they were prepared to bind themselves not to raise the fares. He therefore thought he was not demanding too much when he asked the House to assent to the second reading.

Mr. KIRK said, he should support the Bill. There were at present three most imperfect communications with Dublin daily. This was the first time in the history of the two countries that a feasible means of communication had been proposed. The company undertook that the journey between London and Dublin should be accomplished in twelve hours.

Mr. VANCE said, he was inclined to give but a comparatively qualified assent to the Motion for the second reading. Indeed, as the Bill was framed, the Dublin Chamber of Commerce had the strongest possible objection to it. However, as, through the instrumentality of that body, certain modifications had been introduced into it, he was willing that the Bill should go into Committee, hoping to see it further improved during its progress.

Mr. LINDSAY said, he was opposed to the Bill, for he believed that the public interests would not be served by the monopoly which it proposed to confer on the London and North-Western Railway Company. He had no doubt that the public would gain most by competition rather than through the medium of the new and extraordinary powers proposed by this Bill.

Lord NAAS said, he thought some such measure as the present necessary to improve the present state of communication between the two countries. The House, he thought, would do well to allow the Bill to be read a second time, but it would be necessary to take especial care in the Committee that the public interest should be guarded against injury from the censequences of a monopoly.

Mr. H. HERBERT said, he entirely repudiated the notion propounded by the hon. Member (Mr. Lindsay) that the principle upon which the Bill was founded was a novel one. Already the Chester and Holyhead Company had been granted powers precisely analogous to those now looked for; and this Bill might be said only to transfer these powers from one company to another.

Sir WILLIAM HEATHCOTE said, that, in the case of that particular company, such a power had been given upon the recommendation of a Committee presided over by the late Sir Robert Peel, but it was granted under certain limitations, and the effect of the Bill now proposed would be to extend that power to other companies, without extending the limitations which were considered prudent by the Committee to which he had referred.

Mr. BRIGHT said, that having had occasion sometimes to go across to Ireland, he had often expressed to his friends how glad he was that he was not an Irish Member, for he could never forget the miserable steamboat accommodation existing between the two countries. He had very little doubt that if this were under American rule that such a disgraceful state of things would not be suffered for a moment to endure. The Bill should certainly receive his support, as he believed through its instrumentality, at all events a partial remedy would be introduced.

Mr. CARDWELL said, the hon. Member who had last spoken had overlooked the fact that the special privilege given to the Chester and Holyhead Railway Company was given on the express condition of their providing proper boats and improving the communication. He dissented from the Motion of the hon. Member for Belfast (Mr. Cairns), and thought that the great question for the House was, whether railway companies should be enabled to become owners of steam boats. The question was, whether the particular case before the House came within the rule of the exception. That rule was, whether the steam-boat comunication was ancillary to the railway traffic. The House would do well to look at the way in which the Bill was drawn; for the House had had great difficulty in dealing with railway companies. He meant to oppose the Bill on principle, as it was originally drawn; but, with the modifications proposed, he thought the best course would be to send the Bill befor a select Committee. In his opinion, the power engaged in supporting the steam-boat communication round the shores of this country had done far more than all the associated railway companies that ever existed for improving the commercial intercourse of this country.

Mr. BOUVERIE said, he regarded the postponement of the Bill for a month as tantamount to its rejection for the present Session. The question of principle had been dealt with before, and was not new to the House. The Chester and Holyhead Company possessed the identical powers which it was now proposed to transfer to the London and North Western Company. The South Eastern and South Western Companies had similar powers for running steam-boats. With these various precedents, it was for the House to decide whether, with the interests of Ireland so deeply involved, they would reverse the principle they had hitherto acted upon. The real point for the Committee and the House to decide was whether the public would be better served in every respect in the manner proposed than they would be by any other scheme.

Mr. MUNTZ said, he thought that no sufficient reason had been shown for departing from the usual course on this Bill. He should support the second reading.

Mr. CAIRN said, he would not press his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed*, and referred to the Committee of Selection.

NATIONAL EDUCATION—QUESTION.

Mr. MILES said, he wished to ask the right hon. Baronet the Member for Droitwich (Sir J. Pakington) whether it was his intention to make an alteration in Committee in his Bill for the better encouragement of education in England and Wales, in the words by which he proposed to raise money for educational purposes, by substituting parochial for union charges?

Sir JOHN PAKINGTON said, he was quite ready to state to his hon. Friend what he had stated privately to several hon. Members, and which he ought to have stated on the second reading of the Bill. He had reconsidered the reasons which had induced him to propose a union rather than a parochial rate, and he was of opinion that he could accomplish the object he had in view without adopting an arrangement which, in the case of parishes already sufficiently provided with school accommodation, would involve some hardship, if they were called upon to pay a further charge in order to make up the deficiencies in another place. On this ground he should, in Committee on the Bill, propose that the rating should be parochial, and not union.

SIEGE AMMUNITION—QUESTION.

Colonel WYNN said, he would beg to ask the right hon. Gentleman the Clerk of the Ordnance whether there was any truth in the report that many of the fusees fitted to the shells fired from the mortars in the batteries before Sebastopol were made so long ago as 1798, 1801, 1804, and 1812; whether it was true that the powder employed to fill many of the shells was damaged powder restowed, instead of being fresh and good powder; and whether the new pattern fusees made in 1853, and subsequently, had not frequently been found to be inefficient?

Mr. MONSELL said, he had submitted the notice of the hon. and gallant Member's question to the Director General of the Ordnance, who had informed him that all the fusees for the 10-inch mortars sent from Woolwich had been made in 1853 and 1854, that all the 13-inch mortar fusees also were of the new period of manufacture, but that those sent from Malta were probably of an earlier date, though he was unable to give the particulars. It was the custom to use restowed powder for filling the shells, on account of its being softer in grain than the other powder. With regard to the third question, he was happy to say that the pattern fusees made in 1853 and subsequently, had not frequently been found inefficient, but they had been improved upon in 1854, and the fusees of the newest make were those now in use in the Crimea.

COMPENSATION FOR LOSS OF HORSES—QUESTION.

Colonel WYNN said, he would now beg to ask the hon. Under Secretary at War whether it was the intention of Her Majesty's Government to give any compensation to those officers whose horses—provided at their own expense—had been destroyed by the labour they had been subjected to in bringing up from Balaklava to the camp clothing, medical comforts, and provisions for the soldiers; whether any compensation would be given to those officers whose horses were left behind at Varna when the army embarked from thence for the Crimea?

Mr. FREDERICK PEEL said, that under the regulations now in force an officer, whose horse was lost whilst in course of being used for public purposes, was entitled to compensation. Whether compensation would be given under the circumstances specified would, of course, depend upon the nature of the case in which the claim was made, and no individual case had been yet brought to his knowledge.

THE CONVICT BARANELLI—QUESTION.

Mr. BRIGHT said, he wished to put a question to the right hon. baronet the Home Secretary, and in order that he might be enabled to make a brief statement on the subject to which it referred, he begged to move that the House at its rising adjourn to Monday next. The right hon. gentleman and the House were aware that at the present moment there was in one of the prisons of this city an Italian who had been convicted of murder, who was under sentence of death, and whose execution, he understood, was fixed for next Monday. He wished to call the attention of the Home Secretary to the fact that at the trial of this individual, Mr. Shaw, the senior surgeon of the Middlesex Hospital, in which institution the prisoner had been for some time, was subpœnaed by the Crown as a witness. Mr. Shaw attended in Court and expected to be called, but the counsel for the Crown, having ascertained that the evidence of Mr. Shaw would be in favour of the prisoner, refused or neglected to call him and to place his evidence before the Court. Now, although such a course might be perfectly legitimate in the case of disputes relating to property, he would put it to the right hon. baronet and to the House whether, when the life of an individual was at stake, and when the prosecutor was the Crown, acting on behalf of the justice, and dignity, and impartiality of the law, the conduct of the counsel for the Crown was justifiable? He could not help expressing his strong opinion that the conduct of the counsel for the Crown was entirely unjustifiable in refusing to call a witness whom he had himself summoned to the Court, that witness being better acquainted than any other person could be with the actual state of mind of the prisoner, and the plea set up by the prisoner's counsel on his behalf being a plea of insanity. He believed these facts had been laid before the Home Secretary in a memorial from Mr. Shaw. Evidence had been given on the subject by Mr. Henry, the assistant-surgeon at Middlesex Hospital, a gentleman who, although young, gave promise of eminence in his profession; but it was not likely that so much importance would be attached to the evidence of this gentleman as to that of his senior, Mr. Shaw, who was ready, had he been called upon, to give similar evidence. The evidence of the gentleman who had been called to prove the sanity of the prisoner rested, he believed, entirely upon one interview with him, and was not, therefore, to be placed in the balance against the evidence of medical Gentlemen of high character who had attended him for several weeks. He (Mr. Bright) had in his possession a memorial, signed by Dr. Conolly, of Hanwell, by Dr. Baly, of Milbank prison, by Dr. Forbes Winslow, by Mr. Shaw, and by Mr. Henry, in which they expressed their opinion strongly in favour of the insanity of the prisoner at the time he committed the act. He did not mean for a moment to imply that the Secretary of State had not given his most dispassionate and earnest consideration to this case; but he (Mr. Bright) thought the cause of public justice and the reputation of our Courts would be greatly damaged if importance were not to be attached to the fact that a medical man, who was more competent than any other person in the Kingdom to form an opinion on the sanity of the prisoner, was in Court, having been subpœnaed by the Crown, and that the counsel of the Crown, having, during the trial, taken means to ascertain that the opinions of this medical gentleman were in favour of the prisoner, neglected or refused to put him into the witness-box, thus excluding evidence which, in all probability, would have had conclusive influence upon the jury, and might have saved the life of the unfortunate prisoner. He understood that Mr. Bodkin, the counsel for the Crown, stated that he did not call Mr. Shaw into the witness-box because his name was not on the back of the brief, but he (Mr. Bright) had been informed that it was a common thing not to place the names of medical witnesses upon briefs. It might be asked why the counsel for the prisoner had not called Mr. Shaw? Their omission to do so, he supposed, must have arisen from some misunderstanding, but that omission could not affect the claim of the unfortunate prisoner—who might have committed, and who probably had committed, this crime while in a state of insanity—to have justice done to him. He might remind the House that not long ago a Mrs. Brough had been charged with the murder of several of her own children, and she escaped capital punishment, he believed, because it was considered that no person in a sane state of mind would have committed so atrocious a crime. In that case, however, he believed no evidence was given of the conduct of the prisoner before the commission of the crime which could lead to the belief that she was insane. He rejoiced at her escape, and he was not without hope that, from the *laches* with respect to the evidence of Mr. Shaw, something might be done to save from the gallows the unfortunate man to whose case he was referring. He wished to ask if the Secretary of State could inform the House whether it was the custom for counsel of the Crown to take such advantages as he had mentioned against prisoners placed in such critical and desperate circumstances, and whether it was not the duty of counsel in a case of this kind to adduce all the evidence, in order that a prisoner might have every chance for his life which the law fairly gave him?

Sir GEORGE GREY said, he was sure the House would feel the danger and inconvenience of entering into a discussion with reference to a criminal trial which had taken place according to the ordinary law of the land. He could only state that a representation, signed by several medical gentlemen, with reference to the case to which the hon. Member for Manchester had directed attention, was received by him on Monday evening last. He immediately referred that representation to Mr. Justice Erle, before whom the case was tried, and he had since received the report of that learned Judge. He (Sir G. Grey) and the Under Secretary of State had given their most careful consideration to the case, and the decision at which he had arrived was one with regard to the justice of which he did not feel the slightest doubt, considering the obligation which rested upon him to administer the law of the land. With reference to the omission of the witness on the trial to which the hon. Gentleman had referred, he was not himself competent to speak without a full knowledge of the facts of the case; but he might state that Mr. Justice Erle did not think that Mr. Bodkin, who conducted the case for the Crown, had been guilty of any *laches*. The witness was in court, and might have been called by the counsel for the prisoner, and the statement which he could have made was, he believed, brought under the notice of the Judge.

PROMOTIONS IN THE ARMY— MR. LAYARD.

Mr. EWART said, he would take that opportunity of doing an act of justice, which he owed to himself and to a gallant relative of his who was now serving with the army in the Crimea. Some days ago the hon. Member for Aylesbury (Mr. Layard), at a dinner at Liverpool, openly stated that of the officers who had been promoted to the Staff in the Crimea only one, Major Ewart, of the 93rd Highlanders, a relative of his (Mr. Ewart's), had obtained a first-class certificate at Sandhurst; and the hon. Member added, "I don't know whether he owed it to any Parliamentary influence; I hope not." With regard to the first portion of this statement, that his (Mr. Ewart's) gallant relative was the only officer appointed to the Staff in the Crimea who had earned distinction at Sandhurst, he (Mr. Ewart) felt it to be his imperative duty to state that that was a most inaccurate and incorrect representation, and that he was convinced nothing could be more painful to the feelings of his relative than to be placed in this unjust pre-eminence; for there were many meritorious officers serving on the Staff in the Crimea who had obtained the same distinction as his gallant relative. The hon. Member for Aylesbury had, therefore, though no doubt unintentionally, fallen into an error. The fact was, that the hon. Member had adverted to one return, and omitted to notice previous ones. This much he (Mr. Ewart) felt was due to those meritorious officers who stood upon an equal footing with his relative, and he knew that the hon. Gentleman the Under Secretary for the War Department would do justice to those officers. But the question which he felt bound to ask the hon. Gentleman was this, whether any such influence was used, as affecting his relative, as might be inferred from the observations of the hon. Member for Aylesbury? whether any such influence was directly or indirectly, or in any degree whatever, resorted to? and whether his gallant relative owed his position on the Staff in the Crimea to any other cause than his zealous and ardent endeavours to perform his duty to the State?

Mr. FREDERICK PEEL said, he thought that, as notices of other questions bearing upon similar topics had been given, it would be better that they should be put before he made any statement to the House.

Mr. H. B. BARING said, he had also a question to ask the hon. Under Secretary for War. He found in a newspaper of the day previous the following statement of the services of officers recently promoted in the Coldstream Guards, made under the sanction of the name of the hon. Member for Aylesbury—

C. J. Burdett, nineteen years' service, without purchase; no active service.

J. W. Newdigate, fifteen years' service, without purchase; no active service.

Lord Dunkellin (son of the Marquess of Clanricarde), nine years' service, by purchase; Alma.

W. G. Dawkins, eleven years' service, without purchase; Alma.

C. W. Strong, sixteen years' service, without purchase; Alma, Inkerman.

C. F. Wilson, sixteen years' service, by purchase; West Indies, Alma, Inkerman.

Lord Burghersh (son of Lord Westmoreland), twelve years' service, without purchase; Staff.

Hon. A. Hardinge (son of Lord Hardinge), eleven years' service, without purchase; Staff.

Now, it did so happen that the last two officers were men who had seen more service than any of the officers whose names stood before them. With respect to Lieutenant Colonel Lord Burghersh, he had served through the whole campaign of the Punjaub in 1846, and had also been present at the battle of the Alma, the despatches announcing which victory he was thought worthy to convey home. With regard to Lieutenant Colonel the hon. Arthur Hardinge, he had been through the campaign of the Sutlej, where he was present in three general engagements, and he understood had a horse killed under him; he was moreover present at the battle of the Alma, and was in the charge at Balaklava, where he accompanied the Scots Greys in their successful charge, headed by General Scarlett; and last, though not least, he was at the battle of Inkerman. He would be glad to know why, in the hon. Member's opinion, the ominous and unpalatable word "Staff" was the only one which could be applied to designate the services of those two distinguished officers? He asked whether the hon. Member was aware that the services of those two distinguished officers had been omitted from the usual record, or whether they might attribute it to the high-minded and generous feeling of the hon. Member for Aylesbury, that he had omitted all mention of their services because the one happened to be the son of an Ambassador and the other son to the General Commanding in Chief?

General PEEL said, he regretted extremely to be obliged to call the attention of the House to another passage of the speech delivered by the hon. Member for Aylesbury at Liverpool, to which the hon. Member for Dumfries (Mr. Ewart) had already adverted. But he thought the House would agree with him that when an accusation was made against an officer holding the distinguished position of General Commanding in Chief, that he had been guilty of scandalous conduct in reference to promotions in the army, still more especially when his own son was concerned, and when an opportunity had been afforded to the hon. Member of retracting this statement, and he had refused to do so—then that an opportunity should be afforded him in his place in that House, of repeating the accusation, and stating the grounds on which he made it. He had no personal feeling against the hon. Member; and nobody could regret more than he did, that the hon. Member had not availed himself of the opportunity afforded him to correct his error and apologise for the insinuations he had made by the very temperate and excellent letter of the hon. and gallant officer the Member for Wigan (Colonel Lindsay). No one could approve more highly than he did the conduct of those who came forward to bring accusations against persons in high station, if they believed the truth of the charges, and were satisfied of the evidence on which they made them; but on the other hand he could not express strongly enough, in language consistent with Parliamentary usage, his opinion of the conduct of those who, merely to extract a passing cheer, merely to gain a little fleeting notoriety, reiterated an accusation, the truth of which he had at least strong reason to doubt. The portion of the speech to which he referred was as follows:—

> "I will give you an instance of a friend of mine, a gentleman who served throughout all those battles, and distinguished himself most signally; he came over to this country sick and almost dead. There were two men above him, officers in one of the guards' regiments, who had never left England; they were members of high families and they were promoted without purchase; but my friend was a poor man, and they made him pay 3,000*l.* for his commission; and why? Lord Hardinge's son was next to him, and got his commission without purchase. I say these things are scandalous."

And so he would say too, if true. There could not be the slightest doubt to what this accusation amounted—that an officer was compelled to purchase his commission in order to enable Lord Hardinge's son to obtain his without purchase. After that statement was made appeared the letter of the hon. and gallant Member for Wigan (Colonel Lindsay) on which the hon. Member for Aylesbury changed his ground; and it would be necessary for him, though he was sorry to take up the time of the House, to go through the circumstances of the promotions specified in the letter which the hon. Gentleman had written. When his hon. and gallant Friend pointed out that the two officers immediately preceding Colonel Wilson were both of them engaged in the Crimea, the hon. Gentleman then said, that these were not the cases he meant, and that he alluded to the promotions of Colonel Burdett and Colonel Newdigate without purchase. Now, the first promotion, that of Captain Burdett to be Lieutenant Colonel, took place on August 22, 1854, long before the army went to the Crimea. He did not hesitate to say, that however gallantly Colonel Wilson might have distinguished himself there, and everybody had done so, Colonel Burdett's services were quite equal to his. But, supposing the system of selection by merit to be established, he should like to know who could have been selected in the Coldstream Guards when these promotions took place but Captain Hardinge? He was the only officer who, on the 25th of August, 1854, in his rank in the Coldstream Guards, had seen any service whatever. Colonel Newdigate's promotion took place on the 14th of September, 1854, also before the army went to the Crimea, and, therefore, came strictly under the existing regulations—providing for promotion by rotation, consequent on deaths or accidents. The two next vacancies were to be filled by purchase. The two senior officers, knowing that there was a strong probability of their obtaining promotion without purchase, withdrew their names, and Lord Dunkellin was consequently promoted on the 3rd of November, 1854. The next two steps were got by Colonels Dawkins and Strong, both of whom were promoted on vacancies caused by death. Then came the vacancy which arose on the death of Colonel Mackinnon, which was filled by Colonel Wilson. The hon. Member (Mr. Layard) seemed to think that there was some power at the Horse Guards to decide on the occurrence of a vacancy whether it should be filled by purchase or not. But this was not the case; nor was it true either that Colonel Wilson was compelled to purchase. No doubt, as long as the mixed system of promotion by purchase and seniority was in existence there must be a great deal of chance as to whether vacancies should be filled up by purchase or not; but when the hon. Gentleman said that Colonel Wilson was compelled to purchase, he must have known, or, at least, Colonel Wilson must have known, that there was no compulsion in the case. Colonel Wilson could have withdrawn at the very last moment, and the result would have been that Colonel Hardinge might have purchased over his head; and then Colonel Wilson would have had the first colonelcy afterwards that fell vacant. The question whether, as Colonel Wilson seemed to think, he should have succeeded without purchase was a question with which Colonel Hardinge had nothing to do. It was a question between Colonel Wilson and the family of Colonel Mackinnon; and depended on the rule that when an officer was killed in action, before his promotion was known at head-quarters, the price of that promotion should not be lost to his family. He was sure that the House would be glad to see that rule carried out to the fullest extent possible; and he would show that it had always been the case that when promotions took place by purchase, and any unfortunate event occurred, such as the death of the promoted officer in action, before the promotion was known at head-quarters, the promotion was cancelled, and the friends of the officer received the money again. The hon. Member for Aylesbury had had some correspondence with Lord Hardinge, and he (General Peel) alluded to it in order to show that the hon. Member had had an opportunity offered him of retracting the charges he had made. He would now read the correspondence which had passed between the hon. Gentleman and Lord Hardinge on the subject, to show that the former had had full opportunity to retract his charges.

"15, Great Stanhope Street, April 25, 1855.

"Sir, I have read a speech of yours made at Liverpool in which you charge me with conduct so corrupt in the exercise of military duties, in the case of the promotion of my son, to the injury of Lieutenant Colonel Wilson, of the same regiment, that you have thought proper to characterise the transaction as a most scandalous one. I most distinctly declare your statement to be utterly untrue. My son's correspondence with Lieutenant Colonel Wilson having closed, and the letters being in your friend's possession, I have now to require that you will immediately retract the unfounded charge made in your speech, or be prepared to show upon what authority you have preferred it.—I remain your obedient servant,

"HARDINGE.

"A. H. Layard, Esq., M.P."

The reply to this was as follows:—

"9, Little Ryder Street, April 26, 1855.

"My Lord, In reply to your letter I beg to refer you to *Hart's Army List* as my authority for alluding to the promotions in the regiment of Coldstream Guards in a speech at Liverpool. It may be impossible to trace the motives which may have led to such promotions, but, as a public man, I believe I am expressing the convictions of a very large portion of the public when I characterise as 'scandalous' the promotion by purchase of a regimental officer who has seen long and arduous service, and the promotion immediately afterwards, without purchase, of the two officers next to him, one of whom is your own son, and both of whom have been serving on the Staff. Similar instances are, unfortunately, too numerous to lead to any other conclusions than those to which I have come. It is asserted that Colonel Wilson's promotion took place in accordance with an invariable rule of the service. In other cases, I have reason to believe such rules have been distinctly violated. Such being my conviction, I have nothing to retract from the statement I made at Liverpool—a statement, I may add, for which Colonel Wilson is in no way responsible.

"I have the honour, &c.

"A. LAYARD.

"The Lord Hardinge."

To that his Lordship replied:—

"15, Great Stanhope Street, April 26.

"Sir, I have this evening received your letter of this date.

"I must remind you that I do not complain of your opinion that promotion in the army by purchase is scandalous.

"You accused me in your speech at Liverpool of having promoted my son without purchase, to the injury of Lieutenant Colonel Wilson, who had been made by me to purchase his promotion, and that my conduct in doing so was most scandalous.

"This charge you decline to retract, although your friend Lieutenant Colonel Wilson admits that he attaches no blame to the Horse Guards authorities.

"Your assertion that the rule applied by me in Lieutenant Colonel Mackinnon's case has been violated in others, is contrary to the truth.

"It is a waste of time to hold any further correspondence with one who makes such unfounded accusations, and who obstinately persists therein."

"Your obedient servant,

"HARDINGE.

"A. Layard, Esq., M.P."

He would now proceed to put the House in possession of the precedents upon which the course taken in Colonel Mackinnon's case was founded.

"In 1847, a majority by purchase having become vacant in the 73rd Foot, stationed at the Cape of Good Hope, Captain Baker, the senior captain of that regiment for purchase, was promoted to the vacancy on the 12th of November, but was killed in action on the 13th of that month; his promotion was accordingly cancelled in the *Gazette* of the 11th of February, 1848, on the ground that it could not be known at the Cape at the time of Captain Baker's death, and Captain Brown, the next senior captain for purchase, was promoted to the majority thus vacant by purchase. Lord Fitzroy Somerset's letter of the 23rd of September, 1848, to the Lieutenant General commanding at the Cape at the time was as follows:—'The vacancy was filled by purchase in strict accordance with the regulations of the service, the deceased officer not having known of his promotion, and consequently not having been in a position to exercise the functions of the superior commission.'"

There were even still later precedents—

"In August, 1854, the retirement of Captain Saunderson (who was brought in to sell) from the 4th Foot, having created a vacant company by purchase, Lieutenant Skinner, the senior of his rank for purchase in that regiment, was promoted to the vacancy. This officer, however, died on the 14th of August, 1854, and the 4th Regiment being then stationed at Gallipoli, at that date no intimation of his promotion had been in any manner received there; on which ground the appointment was cancelled in *The Gazette* of the 15th of September, 1854, and Lieutenant Cocks, the next senior lieutenant for purchase, was gazetted to the vacant company by purchase on the 11th September, 1854. In evidence of this promotion being in strict accordance with the rules of the service, the military secretary drew up the following minute, dated the 8th September, 1854; a copy of which was transmitted to the officer commanding 4th Foot:—'On searching for precedents as to such a case, that of Captain Baker, who had been promoted to a majority in the 73rd Foot on the 12th of November, 1847, was discovered. That officer having been promoted on that day, was killed on the 13th of November (the following day) by a party of Kafirs. His promotion was in consequence cancelled, on the ground, that, never having heard of his promotion, he had consequently never been in a position to exercise the functions of the superior commission. [See the letter from the Military Secretary of the 23rd of September, 1848.] The same course is, therefore, to be taken in the case of the promotion of Captain Skinner, which it is accordingly to be submitted to the Queen shall be cancelled, and the next senior lieutenant for purchase recommended for the succession.'—C. YORKE, Sept. 8, 1848."

"Ensign and Lieutenant Disbrowe was promoted by purchase on the 3rd of November, 1854, in succession to Captain and Lieutenant Colonel Cumming, who retired. It having, however, been reported that Mr. Disbrowe was killed on the 5th November, before he could have known of his promotion, an officer was brought into the regiment from the Rifle Brigade, by purchase, and the money was returned to Mr. Disbrowe's family."

He would now proceed to state what occurred in the case of the promotion of Lord Burghersh—

"Horse-Guards, 25th of April, 1855.

"Colonel Crombie, of the Coldstream Guards, returned to England in October, 1854, on the recommendation of a medical board, having been seized with a serious illness in the camp near Varna in the month of August.

"On the 18th of December he forwarded to Lord Strafford a certificate from Dr. Ferguson to the effect that he was still labouring under the consequences of his former illness, and expressing an opinion that a return to the arduous duties in the East might be considered as certain death to him. Under these circumstances he applied to be placed upon half-pay for a time, stating that he had served thirty years on full pay.

"Lord Strafford, in forwarding this application, expressed a hope that some arrangement might be made for bringing in a lieutenant-colonel from half-pay who would sell out, and that the vacancy might thus be filled by promotion in the regiment. This, however, could not be done, as, in the first place, there was at that time no lieutenant-colonel on half-pay who had applied to be brought on full pay to realise the value of his commission; and, in the next, there was a similar case of the lieutenant-colonel of the 51st Regiment, who was anxious to be placed on half-pay, and the officers of that regiment, from the length of their services, had a prior claim to what is considered an advantage, namely, the step of lieutenant-colonel going by purchase through the regiment, instead of a lieutenant-colonel being brought from the half-pay and no promotion taking place.

"The applications, however, in both cases stood over for a time, that if any lieutenant-colonel on half-pay should offer to sell, advantage might be taken of the opportunity to give promotion in both regiments.

"On the 29th of January, however, Colonel Crombie renewed his application, and applied for some leave of absence, in case any further delay was likely to take place.

"Lieutenant-Colonel Blackburn, on half-pay, had by that time applied to sell, but it was not thought fair towards the old officers of the 51st Regiment to allow the promotion to go into the Guards, and put in an officer as lieutenant-colonel of the 51st to remain in it, and Lord Hardinge would have been especially indisposed to do so, as it would have been for the apparent benefit of his son, there being at the time no knowledge of what might be the intention of Colonel Upton as to remaining till he was a general officer, or going previous to obtaining the rank on half-pay, as many other officers of the Guards similarly circumstanced have repeatedly done. Lieutenant-Colonel Blackburn was therefore placed on full pay in the 51st Regiment on the 13th of February, and immediately sold out, the promotion going through the regiment.

"Lieutenant-Colonel Lord Burghersh, on the staff pay unattached, was brought into the Coldstream Guards, vice Crombie, on the 9th of February, and remains in the regiment.

"It may be added that the date of the submission to the Queen of Lord Burghersh's removal from the staff pay to the Coldstream Guards, vice Crombie, was the 7th of February, 1855.

"At that time the only death of a general officer which had been reported at the Horse Guards was that of General the Hon. T. E. Capel, who died on the 3rd of February.

"Two more were required for the promotion of Colonel the Hon. A. Upton to be a major-general; these occurred, one on the 7th and the other on the 9th of February, namely, Sir Patrick Stuart and Lieutenant-General Sir William Eustace, but there was no idea at the time of the probability of the death of either of these officers, and it so happened that, by Lord Burghersh having been brought in as he was, Lieutenant-Colonel the Hon. A. Hardinge lost a step."

That brought him to the case of Lieutenant-Colonel Hardinge. By a rule of the service, when three general officers died the senior colonel was promoted. Now, it so happened that after all these promotions to which he had just referred, three generals died in one week. The senior colonel then on the list was Colonel Upton, of the Coldstream Guards, who was promoted to the major-generalship, and then, in strict course, Lieutenant-Colonel Hardinge obtained his promotion. He would not add a single word to this statement. It was for the House to decide to whom the charge of "scandalous conduct" most properly applied.

MR. FREDERICK PEEL said, he was glad that he had been preceded by his hon. and gallant relative, for after the statement which he had just made, and the correspondence he had read, no one could help coming to the conclusion that there had been hardly a stronger instance in which, what he must call, a disposition to damage and discredit the Government had led an hon. Member to distort the correct view of a question, and to blind himself to its just and true merits. With regard to the first question which had been put to him—namely, as to the appointment of a relative of the hon. Member for Dumfries (Mr. Ewart) to the staff—he would first of all beg leave to call the recollection of the House to the words used by the hon. Member for Aylesbury, at Liverpool, in reference to this point. The hon. Member was arguing that, though we had a special college instituted for the instruction of our officers in their military duties, yet when a Member of that House moved for a Return of the names of the officers who had distinguished themselves at that college, and who had been placed on the staff in the Crimea, that return showed that only one of all who had received certificates of merit at Sandhurst had been so appointed. The hon. Member then, inferring, by what he said after, that that officer had for a relative an hon. Member in that House whose views on public questions generally harmonised with those of Her Majesty's Government, went on to express a hope that he had not been appointed to the staff in consequence of his Parliamentary influence, thus leaving it to be inferred that the gallant officer was appointed through the influence of his hon. Friend behind him. The only answer which, in most cases, it would have been necessary to give to such an insinuation, would have been to disclaim any Parliamentary influence in the matter, and to refer the appointment of the officer in question entirely to the distinction which he had gained at college and his proficiency in the discharge of his military duties. It so happened, however, that there was not the shadow of a foundation for saying that this officer's appointment was owing to the influence of any hon. Member of that House, or to any other Parliamentary influence, for the fact was that he (Major Ewart) was not placed upon the staff by any authority in this country. When the first part of the army was sent out, Lord Hardinge, in conjunction with Lord Raglan, did select the officers to be placed on the staff, but with reference to all the subsequent staff appointments, Lord Hardinge left them all in the hands of Lord Raglan. Captain Ewart was appointed to be a deputy assistant quartermaster in the army in the Crimea, from the 93rd Foot, by Field Marshal Lord Raglan, on the 26th of September, 1854. He was promoted to a regimental majority on the 29th of December, and by a general order of Lord Raglan on the 12th of February, 1855, he was ordered to rejoin his regiment for duty, and he then ceased to belong to the staff. Therefore, the Government at home had nothing whatever to do with Captain Ewart's appointment. Nor was it true that only one officer who had obtained a certificate of merit at Sandhurst had been placed on the staff of the army in the Crimea. The hon. Member had here been led into an error, which had been occasioned in this way:—An hon. Member having moved for a Return of the officers holding staff appointments in the Crimea, who had obtained certificates of merit at Sandhurst, and the Return being presented, the hon. Member for Dumfries (Mr. Ewart) had mentioned to him (Mr. Peel) that his relative's name had been omitted from it. Finding, on inquiry, that there had been such an omission, he directed a supplemental Return to be prepared which was presented under the heading "Supplemental Return to the order of the Honourable House of Commons, dated the 9th of February." The only name in that paper was the name of Major Ewart, but the original Return, of course, comprised the names of all the officers holding staff appointments in the army in the Crimea, and he understood there were ten or eleven officers who had obtained certificates of merit at Sandhurst who had been placed on the staff of the army there. With regard to the question of his hon. Friend opposite (Mr. H. B. Baring), he begged to say he did not appear there as the advocate of Lord Hardinge, whose advocacy had been undertaken and ably performed by his hon. and gallant relative opposite (General Peel), but when he heard it stated that the Commander in Chief, the head of one of the principal departments which regulated the affairs of the army, had acted in the appointment of officers on principles that were scandalous, it was natural that he should desire to give the House some information on the subject. In his speech at Liverpool, the hon. Member for Aylesbury said—Who are the officers in the Crimea who have most distinguished themselves—who have sought reputation at the cannon's mouth? They are your regimental officers. And what is the nature of the reputation which they have acquired? The Government have treated them with indifference, and the only reward they have got is the sympathy of the people of this country. The hon. Member endeavoured to draw a line between the indifference of the Government and the cordiality with which the services of these officers had been recognised by the public. He said—I will give you an illustration of what I mean—I will take the promotion in the Coldstream Guards. There were, he said, two officers who had never left the country, who were men of high family; and next to them an officer who was a poor man, who had been with the army in the Crimea, and who had returned to this country sick and almost dead. After him came the son of the Commander in Chief. And now see how these five officers have received their promotion. The first two, who had never left the country, received their promotion without purchase, and the man who was poor, and who had seen service in the Crimea, was compelled to purchase his promotion because he was followed by the son of the Commander in Chief. Everybody supposed that the hon. Gentleman referred to the two officers immediately above Colonel Wilson, who were named Dawkins and Strong, who had both been at Alma and Inkerman, and who could not therefore be said, in the invidious sense which he was afraid the hon. Gentleman intended the words to bear, to have seen no service. The hon. Member, however, had since explained his language, and had endeavoured to draw a distinction of rather a nice character:—"What I said," explained the hon. Member, "was, officers 'above' Colonel Wilson, not officers 'next above' him." The two officers to whom the hon. Gentleman now said he referred were Colonels Burdett and Newdigate, who had obtained their promotion by the deaths of two captains at Varna. They were in this country, it was true, but not by their own consent. Some officers must remain in this country, and those to whose lot it fell to stay behind, no doubt would consider it a hardship that they were not allowed to accompany their brother-officers; but to lay down that where vacancies occurred abroad they must be filled up by officers upon the spot, so as to exclude those at home, would certainly be adding injustice to hardship. It was perfectly just, therefore, that these two officers should be appointed to fill these vacancies. Colonel Wilson, it must be remembered, was not originally desirous of purchasing his step; but when he found that Captains Dawkins and Strong had withdrawn their names from the list for purchase, preferring to take their chance of the death vacancies, he wrote to his friends in England, desiring them to purchase the step for him, being anxious to step over the heads of Dawkins and Strong. He acted entirely (and of course no one could blame him for it) with a view to his own interest. The battle of Inkerman soon after occurred, and Captains Dawkins and Strong got their promotion without purchase, two captains having been killed in that action, and on Lieutenant Colonel Mackinnon dying, the vacant captaincy was purchased by the friends of Lieutenant Colonel Wilson. The gallant Gentleman complained that he thought he had some claim to promotion without purchase, but at the same time, he said that he was not acquainted with the established rule of promotion under the circumstances to which reference had been made. With regard to the established rule of the service in such cases, no doubt could exist with regard to it after what had fallen from his (Mr. Peel's) hon. and gallant relative. He felt bound, however, to say that, when an officer was promoted and died before he was aware of his promotion, or before notification of it had reached head-quarters, if he was killed while serving in a subordinate rank, it was a very humane and proper arrangement to restore to his relations the money which had been paid for promotion from which he had never derived any advantage. In the present instance, the money paid for the promotion of Captain Mackinnon had been restored to his relations, and a commission became vacant, not by death, but by purchase, and the offer of it was first made to Colonel Wilson, who purchased it, and obtained his step. One thing, however, was quite clear, that whether Colonel Wilson had obtained his step gratuitously or not, it could not possibly have benefited Colonel Hardinge. If the vacant commission had not been bought by Colonel Wilson, Colonel Hardinge would have been only too glad to purchase it. The hon. Gentleman said that Colonel Wilson was made to pay for his promotion in consequence of Colonel Hardinge being next, and of his being the son of the Commander in Chief. He (Mr. Peel) had shown that Colonel Hardinge derived no benefit from Colonel Wilson's purchasing his promotion, and as regarded his being the son of Lord Hardinge, he had merits of his own which deserved to be borne in mind. Whatever had been the merits of Colonel Wilson — and he was most unwilling to say one word disparaging the actions and services of that gallant officer, for he believed him to have proved himself a most gallant and meritorious officer — still the services of Colonel Hardinge had not been less conspicuous. Was it, or was it not the case that Colonel Hardinge had gone through the campaign of the Sutlej, and been present at Sobraon, Moodkee, and Ferozeshah, and also at the Alma, at Balaklava, and at Inkerman? Colonel Hardinge was not necessitated to go to the Crimea at all, but had volunteered his services. He was desirous of not losing the opportunity of seeing service, and, having been appointed to the staff, was present at those three great battles. Then, it appeared to be thought that some favour had been shown to Colonel Hardinge under the circumstances in which he had obtained his commission. Now, was that the case, or was it not? Colonel Hardinge obtained his promotion in consequence of the promotion of Colonel Upton, to be a general officer. Colonel Upton was aware of the certainty of his obtaining that promotion if he lived, and he might have sold his commission in the Guards; and if he had sold it, the commission would have been disposed of by purchase, and Colonel Hardinge would have purchased the step. Colonel Upton, however, took a different course, not certainly at the suggestion of Lord Hardinge; he chose to retain his colonelcy in the Guards, and by the death of three general officers he became a major general, and Colonel Hardinge, in the usual way, succeeded to the vacant commission according to the established rule of the service. Such were the plain and simple facts of the case. The hon. Member for Aylesbury had said that honesty was the best policy. He (Mr. Peel) felt that the Government of this country had been carried on upon principles of honesty and honour. He gave the hon. Gentleman credit for being an honest man, and he thought that it was the part of an honest man, now that it had been shown that the statements made by him at Liverpool were not in accordance with the facts of the case, to come forward manfully and to admit that that he had made statements injurious to public men, who were as honourable in their actions, and as ready at any moment to lay bare their motives as the hon. Member himself, or as any other hon. Member of that House.

Mr. LAYARD: Sir, I will address myself first to the question placed on the paper by the hon. Member for Dumfries (Mr. Ewart). I beg to assure that hon. Member that in the passage in my speech to which he has referred, I had no intention to make any reflection upon his gallant relative, nor do I think any person who heard me believed that I had any such intention. On the contrary, what I stated was rather a matter of praise to him, for the very fact of having taken a first-class at Sandhurst was evidence to me that the Government had no hand in his promotion. ["Oh, oh!"] I repeat that I intended to cast no reflection upon that officer; and at the time I did not know that he was a relation of the hon. Gentleman. With regard to the statement I then made as to the number of persons on the staff who had taken honours at Sandhurst, I fell into an error in the manner described by the hon. Gentleman the Under Secretary for War. But I think the Government are a good deal to blame for the error into which I fell. If their returns are so ill drawn up that names are omitted from them, and then, on account of their gross omissions, questions are made and other Returns are then prepared, I say Government is to blame. I did not see the first Return. The second Return alone fell into my hands; and although it is a supplemental Return, it is not so headed on the sheet.

Mr. FREDERICK PEEL: It is headed "Supplemental Return."

Mr. LAYARD: It was not on the face of the Return.

Mr. FREDERICK PEEL (*showing the Return*): Yes; it was on the face of the Return.

Mr. LAYARD: Well, I did notice it, but I frankly admit that I fell into the error from not having seen the first Return, and I think, as I have said, that Government are equally responsible with myself for the error. [*Loud Cries of* "Oh, oh!"] The House may say, "Oh, oh!" but if it possessed the information which I possess, it would know how Returns are cooked up to suit the purposes of Government, and if I have been led into error by the omission of a name in a Return, Government must share the responsibility with me. Now, with regard to the second statement made by the hon. Member opposite (M. H. Baring)—these matters are, no doubt, of a very painful and delicate nature. There are few men in this House who dare get up to speak the truth on this subject. There are very few officers who, when such questions as these are mooted, dare speak the truth with respect to them. If hon. Gentlemen had seen the letters on this subject that I have received during the last few days. [*Cries of* "Read!"] No, I shall not. [*Cries of* "Name!"] Nor shall I name them. To name the writers here, would be ruin to those officers, and you know it very well. I stand here prepared to take upon myself the responsibility of what has occurred. I shrink not from it. I had no knowledge of the various rules that apply to promotions in the army. I stated nothing but facts, forming my own opinion upon them. I may get indirect evidence and information on which I may guide my own judgment; but I am not going here to betray those who have given me that information, and who perhaps would be ruined, if it were known whence my information came. Now, in the first place, with respect to the use of the word "staff," in the letter of mine which has been referred to, I did not mean by it to make any reflection upon Colonel Hardinge or Lord Burghersh. I had a list given me by a military man, and that I have printed. I certainly wish I had added a statement of the services of the officers who have been referred to. With regard to Colonel Hardinge, I have had the honour of a personal acquaintance with him. I believe that there is not a more gallant and meritorious officer in Her Majesty's service. I know that he has distinguished himself on more than one bloody field, and there is no one whose promotion I would more heartily welcome. [*Ironical Cheers.*] It is all very well to question my feelings on this subject, but I am conscientiously stating them. The question is not one of persons. I do not grudge Colonel Hardinge his promotion; but what I say is, that the promotion extended to Colonel Hardinge might be extended to others who may have distinguished themselves—not so much, perhaps, as Colonel Hardinge, but still who have distinguished themselves in the field. I venture to claim, and I think I have a right to claim, the indulgence of the House while I endeavour to show the grounds upon which I have acted. The hon. and gallant Member opposite (General Peel) has read three letters, forming part of a correspondence which has taken place between Lord Hardinge and myself, and I will now complete that correspondence by reading the last letter. That letter was as follows—

"9, Little Ryder-street, April 27, 1855.

"My Lord—I cannot permit your letter to remain unanswered. I did not state, although you have thought proper so to assert, that 'the rule applied by you in Lieutenant-Colonel M'Kinnon's case, had been violated in others.' What I did state was, that 'such rules, that is, rules of similar character, had been distinctly violated.' I referred more particularly to the cases of Captain Heneage and Captain Lord E. Cecil, of the same regiment, although I am assured that similar cases are most numerous.

"After the tone of your letter and my convictions, I perfectly agree with you that it is a waste of time to hold any further correspondence, especially with one who at such a time as this can justify the cases to which I have alluded, and which have created so deep a feeling of indignation in the public mind.

"Your Lordship is quite at liberty to publish this correspondence, and I reseve to myself the right of doing so should I consider it necessary.

"I have the honour to be, my Lord,
"Your obedient servant,
"A. LAYARD."

It has been said by the hon. gentleman opposite, that there is a mixture of chance in regard to promotion in the army; but if we saw among a party of gamblers that one of them invariably turned up double sixes, would it not be fair to suspect that the dice had been tampered with? It is true that there are these chances, but I find that the happiest of them generally fall to the lot of those who have the least need of them, namely, those of either high connexion or party influence. That question I shall shortly bring before the House in the most extended form, and I think the country is fully prepared for its discussion. The country, I believe, is in no mood that admits of its feeling on this subject being trifled with—a feeling which extends to every branch of the public service. The public interest is sacrificed in every department of the State to private and party influences. Let me take for example the case of the two gentlemen whom I mentioned in my note. One is a gentleman named Heneage, who has two relatives in this House. He entered the army in December, 1853, and joined his regiment in February, 1854, or two months afterwards. He arrived in the Crimea with the draughts sent out in the autumn, and was present neither at the Alma nor at Inkerman. Yet he got a captaincy, without purchase, within ten months after his appointment, that is, in December, 1855—I mean 1854. (Ironical cheers from Mr. H. BERKELEY.) The hon. Gentleman is evidently eager to catch a cheer from anything, but his cheers are not creditable to the Ministerial benches. It is said to be an inviolable rule that no man shall be promoted to a captaincy until after two years' service. Well, if Captain Heneage had distinguished himself, I would be the last man to complain that an exception had been made to a general rule in his favour; but when I see this rule deviated from in this case and in several others, I say you have no right to talk of your inviolable rules. Again, Lord Eustace Cecil entered the army in November, 1851, and, without undergoing service, was selected in December, 1854, for a captaincy in the Guards. (Cries of "Question!") The Ministerial benches call "Question!" and, when I am answering your assertion about an inflexible rule, you won't allow me to show you that, where private interest is at stake, you care not a jot about your so called inviolable rule. Well, what happens? On the other hand, Lieutenant Blackett, of the 93rd Regiment, I believe was in all the actions in the Crimea, and recommended for good service to the Government; and what is the result? He is transferred to the Guards, and though he had seen eleven years' service he is placed below this Captain Heneage and Captain Lord Eustace Cecil—one of whom had only served eleven months and the other between two or three years. Now, I hold myself responsible for these accusations, and, as I told Lord Hardinge, am not prepared to retract them. I only wish that we could go fully into this question, and that we had power to examine several officers in the army upon it. I wish I could call Colonel Crombie to give his evidence. That officer, I have been given to understand, was compelled to resign, that two others beneath him might be advanced—Lord Burghersh and Lord Hardinge's son—and, as I am informed, he was not apprised that he had been put upon half-pay until he saw the notice of it in the *Gazette.* So much for individual cases. A man in my position has a difficult part to play, being obliged to obtain his information as best he may from what he believes to be good sources. He may, therefore, make an occasional mistake, and I dare say I may here be mistaken; but if I have done wrong to any individual I shall be the first in this House to get up and acknowledge it. But such is the present state of things, that there is scarcely an appointment in the army or elsewhere which, if the public looks into it, it does not at once find to be connected with the persons making it. Only three days ago I saw by the *Gazette* that a colonel of the staff had been named a general officer in the Turkish Contingent with local rank; and, feeling that there must be some cause for this, when I turned to the *Army List* and other sources, I found that the individual is Colonel Cuninghame, on the staff, who married a daughter of Lord Hardinge. [*Laughter.*] Hon. Gentlemen may laugh, but, when these things are of daily occurrence, they justify the prevalent suspicion on the part of the public. Moreover, at a moment like the present, when the army is in such a critical position, and when disgrace—I am obliged to say—disgrace has fallen on the country, I say the people of England are in no temper to tolerate the approximation to what I may call "gross jobs." I may just observe that Colonel Wilson was not aware of the existence of this "inviolable rule" in regard to himself. Such, then, is my statement to this House. I will not retract what I have said, because from the bottom of my soul I believe it to be true. I am convinced that if men dared to get up in this House and declare what they believed, they would admit that there is some truth in what I have stated, for most of us must know that family and party influence has much to do with these promotions. As to Colonel Wilson, he is in no way to be blamed for what I have done. I rest my case upon the *Army List*, and take upon myself the entire responsibility.

MR. HARDINGE: I wish to say that I cannot add one word to what has fallen from my hon. and gallant Friend the Member for Huntingdon (General Peel), or from my hon. Friend the Under Secretary for War. I feel that I should only weaken the able manner in which they have dealt with the case were I to follow them into that part of the question; but with respect to what has fallen from the hon. Member for Aylesbury (Mr. Layard) as regards a gallant relative of mine, Colonel Cuninghame, Brigadier General of the Turkish Contingent, that hon. Gentleman has ventured to characterise his appointment as neither more nor less than a job. Now, I must remark that Colonel Cuninghame has seen service in the Chinese campaign under Lord Gough, that he was at Alma and Inkerman on the Quartermaster General's staff; and I venture to say that if you were to ask my Lord Raglan or his Royal Highness the Duke of Cambridge, to whose division he was attached, they would tell you that Colonel Cuninghame is a most excellent officer. Therefore, when the hon. Member for Aylesbury throws in my teeth the appointment of Colonel Cuninghame, I reply that my relative has justly and deservedly received his promotion, and defy him to call it in question. The hon. Member for Aylesbury, in his speech at Liverpool, seems to have dealt in inaccuracies of no common order. He said no officer had been appointed to the staff in the Crimea who had taken a first-class certificate at Sandhurst, with one exception—namely, Major Ewart. Now, Major Ewart is a most excellent officer, and owes his appointment to his merits alone; but it so happens that Major Ewart did not take a first-class certificate, although he got what is called a special certificate for proficiency. There are no less than five gallant officers on the staff in the Crimea now who took first-class certificates at Sandhurst, and I will name them. They are—Colonel Cameron, Colonel Stirling, Major Hacket, Major Morris, and Major Sankey. Sir, I have done with the hon. Member for Aylesbury. I will leave this matter in the hands of the House, who will doubtless form their own opinion as to who is right and who is wrong, and whether or not the transaction alluded to is scandalous.

Mr. BYNG said, that those who were acquainted with the rules of the army knew that the appointments and promotions in the three regiments of Foot Guards did not rest with the Commander in Chief, but with the colonels of those regiments. He was authorised by Lord Strafford, the colonel of the Coldstream Guards, to say that whatever responsibility attached to the appointments and promotions which had been so much canvassed, rested with him, and him alone; and that he was fully prepared at all times and all seasons to justify them, according to the existing military regulations and the well-known precedents applicable to each individual case.

Colonel LINDSAY said, the hon. Member for Aylesbury had been asked either to retract what was alleged by him against Lord Hardinge, or else to explain in what manner in this particular case of promotion his Lordship had been guilty of maladministration. Instead of doing this, however, the hon. Gentleman had carefully avoided addressing himself to the case in point, but had dealt in vague generalities; and though he told the House he would not retract, yet he had never attempted to show how Lord Hardinge had had the slightest influence upon his son's promotion. Having addressed himself to this question in the public journals, he (Colonel Lindsay) would not trouble the House with any further remarks upon this subject, except to reiterate all that he had therein stated. The hon. Member had accused the Horse Guards of giving promotion to Captain Heneage, who, he said, was not at the battle of Inkerman. He (Colonel Lindsay) believed it would be found that, if Captain Heneage was not at the battle of Inkerman, it was because at the time he was serving his country in the trenches or elsewhere, and that since this period the gallant officer in question had been constantly under the fire of the enemy. The hon. Member alleged that the rule had been broken through in this instance. Now, the facts were these—At the commencement of the war Captain Heneage was the junior ensign. By mortality, brevet, and other causes, the whole of the ensigns were swept off, and Captain Heneage was left at the top of the list, though at the time he had only seen one year's service. As, however, he had been under the fire of the enemy, Lord Strafford obtained sanction for his promotion, which thus took place contrary to what was then established as the rule of the service—namely, two years' service. This promotion, however, would not have taken place if it had not been for the services of Captain Heneage. With regard to Lord Eustace Cecil, the circumstances were these—A gentleman called upon Lord Strafford and informed him that Lord Eustace Cecil was most anxious to see service. He told him that when the 43rd were engaged at the Cape of Good Hope, Lord Eustace had then exchanged for the purpose of seeing service, but, unfortunately for him, active service had ended when his Lordship arrived there. The 43rd were then sent out to India, and while they were in that country the war broke out. Lord Eustace Cecil, still anxious to see service, endeavoured to exchange into a regiment at the seat of war, and accordingly exchanged into the 88th; and Lord Strafford considered this so meritorious that he gave him a commission in his regiment of the Guards. Now, Lord Eustace Cecil happened to be the son of the Marquess of Salisbury; but he (Colonel Lindsay) had it from Lord Strafford that, though he was undoubtedly acquainted with the noble Marquess as a Member of the House of Peers, he was also politically opposed to the Marquess of Salisbury, who had nothing whatever to do with the matter, and that Lord Strafford gave his son a commission simply because he appeared to be an officer anxious to see service and to distinguish himself. He (Colonel Lindsay) ought to have said previously, that, owing to the extreme rapidity of promotion in the Coldstreams, eleven officers had, in the course of the last year, been brought into that corps from other regiments, to reward them for their conduct at the seat of war. He must say that, to use the mildest terms, he thought it somewhat unfair that an hon. Gentleman should go down into the country attempting to excite the public sympathies and to justify his opposition to the system of promotions then in force by assertions and accusations every one of which were without the slightest foundation.

COLONEL NORTH said, he only rose to supply an omission made in enumerating the services of Lord Burghersh—namely, with regard to the conduct of that gallant officer in India. At the battle of Chillianwallah, Lord Burghersh served as aide-de-camp to the Governor General of India. Owing to the great mortality of the officers in the 24th Regiment in that battle, his Lordship immediately gave up his staff appointment for the purpose of joining the 24th until fresh officers were appointed. He joined the 24th in time to serve at the battle of Goojerat, since which he had served with credit in the Crimea. As regarded the general system of appointments, he would refer to the case of Major Addison, who was entirely indebted for his present position upon the staff to his talents, and not to his political influence or family connections. Again, Colonel Cuninghame, before his appointment to the Turkish Contingent, had served as assistant quartermaster general to one of the divisions of our army in the East, and was most highly spoken of by the Duke of Cambridge and by Lord Raglan. Hon. Members were accustomed in that House to speak of one another in rather free language, because they had an opportunity of answering such attacks; but he questioned the good taste and the chivalrous feeling of the man who took advantage of a public dinner to heap the utmost obloquy upon individuals who had no means of reply. He would advise the hon. Member for Aylesbury, if he wished to retain the good opinion of his countrymen, to adopt that love of fair play which was the characteristic of Englishmen, and to institute proper inquiries before making these unfounded assertions.

COLONEL KNOX said, he was sorry to say that the present was not the first time that the hon. Member for Aylesbury had made unfair attacks upon gallant officers both of the army and navy. Upon a former occasion he thought proper to traduce the character of a gallant admiral, and his object now was to do the same towards the Commander in Chief. These systematic attacks were not without a purpose, and yet nothing could be more derogatory to the respectability of that House than for an hon. Member to pursue such a course of conduct. He begged to tell the hon. Member for Aylesbury that Colonel Cuninghame was a personal friend of his, and that there was not a word of truth in his statement with regard to that gallant officer. Yet the hon. Member had the temerity and the impudence to rise in his place——

MR. HADFIELD: Sir, I rise to order. Surely that is language not suitable to this House.

MR. SPEAKER: The hon. and gallant Member has used a word quite unparliamentary.

COLONEL KNOX: I would be sorry to use any expression which may be deemed unparliamentary; but I cannot find language sufficiently strong to reprobate the conduct of the hon. Member for Aylesbury. Still, Sir, I am ready to withdraw any expression which you may consider to be improper; but I really do think that the hon. Member should not, without acquainting himself with the circumstances—to put it in the mildest way—venture to asperse the character and conduct of gallant officers both in the army and navy.

MR. FRENCH said, he would put it to the House whether the discussion as to military promotions ought not to cease. A notice stood in his name on the paper, to the effect that he intended to ask the First Lord of the Treasury what was the opinion of the Government with reference to Lord Dundonald's plan for the destruction of the Russian fortresses, but he had been requested by Lord Dundonald to postpone the question until Monday next, upon which day he would accordingly put it.

VISCOUNT PALMERSTON: Sir, I cannot but express the deep regret which I feel, and which I am sure is partaken by the majority of this House, at the position in which the hon. Member for Aylesbury has this evening placed himself. Every man is at full liberty—and he does but perform his duty in exercising that liberty—to bring forward against public men any charge in respect to which he feels that he stands on good grounds, and in justification of which he can bring forward proofs which will honestly convince himself and any reasonable man that his charges are founded upon fact. The hon. Member for Aylesbury was, no doubt, perfectly justified in making the charges which he has brought forward against my noble Friend at the head of the army, if his conscientious impressions led him to believe that he had good grounds for the accusations; but, after the proofs and demonstrations which have been this evening laid before the House, that there was not a shadow of foundation for those charges —after every reasonable man must have been convinced that those charges were false and calumnious, I cannot but think that the hon. Gentleman would have pursued a course more honourable to himself if he had—

Mr. OTWAY said, he rose to order. He was a young Member of the House, but he respectfully submitted that the noble Viscount had used words which were altogether unparliamentary, when he charged another Member with stating that which was "false and calumnious." Only that very evening an hon. Member opposite (Colonel Knox) had already been obliged to retract similar expressions—and he (Mr. Otway) hoped that as long as the present Speaker presided over the deliberations of that House, the noble Viscount would not be permitted to indulge in such language. [*Cries of* "Order," and much excitement.]

Mr. SPEAKER: What I understood the noble Viscount to say was, that the "charges" made by the hon. Member for Aylesbury were false and calumnious.

Viscount PALMERSTON: Sir, I repeat what I was about to say, that when it was proved that the charges which had been made through the hon. Member—if he wishes it to be put in that manner—were utterly false and calumnious, I should have expected that a due regard for himself and for this House would have impelled the hon. Member to acknowledge that he had been misled in this matter, and induced him to bear an honourable testimony to the high character and services of that distinguished individual whom his erroneous statements were intended to disparage. In this expectation I have been disappointed. The hon. Gentleman has brought charges against a man and against a class. He has brought charges against my noble Friend at the head of the army, which, I repeat, are unfounded and calumnious. No doubt the hon. Gentleman has been made the mouthpiece of others, who wish to undermine and overthrow the character of that distinguished man. Lord Hardinge is not a man who has risen either by favour or by accident to the situation which he so honourably fills. Lord Hardinge is essentially a soldier. He has won his way to the illustrious position which he holds through many a long campaign—through many a hard-fought battle. He has shed his blood upon the field of action, and there is no man who, by his long experience and his splendid services, was pointed out more pre-eminently than he for the proud and honourable position in which he has been placed. He was placed in that position, not by the present Government, but by another Government, of whom I will say that they did themselves honour by the selection they made. Was it likely that a man who owes his position, as Lord Hardinge does, to merit and long services—who has passed his life with soldiers—who has seen them in every climate throughout the globe—in every position, of camp, of battle, of march, of fatigue, and of danger, whether from the foe or from disease—was it likely, I ask, that such a man should have his feelings so perverted, by the power he possesses, as to be induced, by some trumpery motive of private favour, personal objection, or political influence, to undermine the character of that army with whose glory his own fame is identified, and upon whose efficiency his own honour must depend? I say, that the charges against my noble and gallant Friend are as unfounded in fact as they are utterly without even a colourable pretext in their favour. But the hon. Member for Aylesbury has also attacked a class. He complains that the army is filled with the sons and relatives of the aristocracy; and he says that it is a shame and a grievance that it should be so. Now, I say quite the contrary. I contend that is to the honour of the aristocracy that they throw themselves into the ranks of the army, and into the lists of the navy; and that when danger is to be incurred, and the safety of the country to be defended, they are foremost in the field of honour, and ever most zealous to uphold the dignity and glory of their country. Depend upon it, that when the day arrives, if it ever shall arrive, when the aristocracy of a great nation shall shrink from partaking in the dangers and honours of her defence, and shall seek amid the pleasures of private life to spend their days in luxury and idleness, instead of enduring the dangers and honours of the battle-field and the fatigues of the campaign—depend upon it, that when you see a country reduced to that situation, you may then predict its fall—then, indeed, you may raise your voice against a class so little deserving of the respect of their native land—you may then say that abuses do indeed exist—and you may then, with some show of reason, attempt to excite popular odium against the aristocracy. I am proud to say that that reproach cannot be cast upon the upper classes of England; and, so far am I from being of opinion that the acts to which the hon. Gentleman has alluded are acts which imply a censure on the aristocracy, that, for my part, I accept them as so many testimonies of the public spirit and the manly feeling which characterise the gentlemen of this great country.

Subject dropped.

LOAN BILL.

Order for Committee read.

House in Committee; Mr. Fitzroy in the Chair.

Clause 1. That an annuity of 14*s.* 6*d.* shall be granted upon a loan of 16,000,000*l.* for thirty years.

Mr. JOHN MACGREGOR said, he thought the Chancellor of the Exchequer had committed a great error in proposing to contract a loan upon the terms contained in this Bill. If the information he had received was correct, the Chancellor of the Exchequer, had he given the public the opportunity of taking up the loan, might have readily obtained 20,000,000*l.* of money upon terminable annuities for the terms of forty-four, forty-eight, fifty-two, and fifty-six years, giving an average of fifty years, at an annual rate of interest not greatly exceeding that which he now proposed to give. He must complain that the Government had not afforded the public an opportunity of competing for the loan, but handed it over, in fact, to four or five great capitalists. He begged, therefore, to move as an Amendment—

> "That, instead of the loan of 16,000,000*l.* being raised by three per cent perpetual annuities, and 14*s.* 6*d.* per cent annuities, terminable in thirty years, the sum of 20,000,000*l.* be raised by terminable annuities."

The CHAIRMAN said, that it was not competent to the hon. Gentleman to propose such an Amendment.

Mr. JOHN MACGREGOR said, in that case, he felt it his duty to move that the Chairman report progress, and ask leave to sit again.

The CHANCELLOR of the EXCHEQUER said, the hon. Gentleman could not, consistently with the forms of the House, propose a Motion in Committee on a money Bill, to extend the charge upon the Consolidated Fund, without having proposed a previous Resolution authorising such an extension. For his own part, he regretted that the hon. Gentleman was precluded by the forms of the House from moving his Amendment. The only practical difficulty he saw in the way of giving effect to that Amedment was, that he thought it probable the contractors for the loan would have made some objection to pay the Government 20,000,000*l.*, when they had only contracted to receive interest for 16,000,000*l.*; but, so far as the Government were concerned, they could have no objection if contractors who had engaged to furnish 16,000,000*l.* at a certain rate of interest consented for the same amount of interest to give them 20,000,000*l.* He hoped, as the hon. Gentleman had recorded his protest against a loan which he considered extravagant, he would consent to withdraw his Amendment, and would allow the Bill to proceed in Committee.

Mr. JOHN MACGREGOR said, that he was satisfied with having entered his protest against the loan, and he would therefore withdraw his Amendment.

Mr. WILKINSON said, a Chancellor of the Exchequer could often do only what he could do, and not what it would be the most advisable to do. [The hon. Member here read an extract from a speech of Mr. Gladstone, in which the right hon. Gentleman was reported to say that he anticipated it would be necessary, if the war continued, to have recourse again to indirect taxation.] It was important at this particular period that no misunderstanding should exist on such a vital question as free trade, and he hoped, therefore, the right hon. Gentleman would give an explanation to the Committee.

Mr. GLADSTONE said, that the grand and main object of Parliament had been to destroy protective duties, and when this was done it was right to say that the system of free trade had been accomplished and established. He had been understood to say that certain high duties—Customs and Excise—adverse to free trade, ought not to be got rid of. That was correct. But he also said that the gradual and progressive reduction of duties on articles of primary consumption ought to take place. It was not possible to deny that such a reduction had formed an important and a valuable feature of late in Parliamentary legislation. Then the great or total abolition of duties that were unproductive in themselves was aimed at. Duties had in that way lately been taken off of from 1,000 to 1,300 articles. It was quite consistent with free trade to keep on some duties, but nominal duties ought to be got rid of as soon as possible. He must have been misunderstood if he had been reported to say that he contemplated with satisfaction the possibility of a return to protective duties. But he could not dismiss from his mind, if the war continued, that as the burdens of the war increased, as they must do, though the House of Commons, he was satisfied, would do everything to avoid a return to protective duties, yet such would be the difficulties in the choice of objects of taxation that it might be, not a visionary apprehension, but a political necessity, for Parliament to find itself in the inevitable position, from lack of sources, rightly or wrongly to resort to the reimposition of protective duties. He hoped the day was distant or would never come. He should be sorry to see it; but he could not exclude the impression that such a contingency was not an impossibility.

MR. HEYWORTH said, he feared it was very likely the country would be obliged to return to the imposition of protective duties should war last any length of time.

Clause *agreed to;* as were also Clauses 2 to 6 inclusive.

Clause 7,

MR. JOHN MACGREGOR said, he wished for some explanation as to the difference in the payment of interest.

THE CHANCELLOR OF THE EXCHEQUER said, that with respect to the Consols part of the loan, it was customary to pay the interest on Consols in January and July, and it had been thought advisable to commence the interest from January, so as not to interfere with the customary forms.

Clause 7 *agreed to;* as were also Clauses 8 to 21 inclusive.

Clause 22,

SIR FITZROY KELLY said, he had great objection to this clause, and would have opposed it earlier had the Bill not been passed through the House with such celerity. He thought the House ought to have an opportunity of considering the question, whether, at the outset of the war, a system ought to be adopted of charging posterity—whatever might be the state of the finances and condition of the country —with the payment of a large sum of interest. When the Report was brought up he should move the rejection of this clause. He would also suggest an addition of certain words in order to make the sense clear.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. and learned Member had indicated an ambiguity in the clause. It would be found that in the Bill in the hands of the Chairman, words had been introduced to prevent misconstruction with reference to the general policy of the clause; it would not be necessary to occupy the attention of the Committee by going into a discussion of its merits; and as the hon. and learned Gentleman had signified his intention of moving the rejection of the clause when the Report was brought up, he would then state fully the grounds that induced him to propose the clause as it stood. The Committee would, therefore, excuse him if he refrained from entering into the question at that moment.

Clause *agreed to.*

House resumed.

CUSTOMS' DUTIES BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. JOHN MACGREGOR said, he should not be doing his duty as an independent Member if he did not oppose the proposed increased duties on tea, sugar, and coffee. He believed that there was not a cottage in the United Kingdom in which this increased taxation would not be felt most grievously. Considering the high duties to which these articles were already subjected, he looked with alarm on the consequences of the measure proposed. Had the right hon. Gentleman raised 20,000,000*l.* on terminable annuities, and 3,000,000*l.* on Exchequer bills, there would have been no necessity for increasing the duties upon articles of daily and universal consumption. The natural decline of the tea duty had not only been suspended, but an additional duty had also been imposed, and the result of the increase of duty, together with the profit always charged on it by retail dealers, would be, that to those who purchased their tea in small quantities the price would be at least one-third more than at present. With regard to sugar, if the House had formerly stopped at a duty of 14*s.* per cwt. on Muscovado sugar, he thought that would not have been felt as very oppressive, but the duty having been reduced to a maximum of 10*s.* per cwt., all commercial arrangements for the present year had been based on that amount of duty; and the derangement caused to contracts by the present Bill would be most serious. He admitted that there had been an increase in the importation of sugar, but the profits of those connected with the West Indies had in many instances been scarcely remunerative. With respect to the coffee trade, he knew it to be in a very suffering condition. He should therefore move that the Bill be committed that day six months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words, "this House will, upon this day six months, resolve itself into the said Committee," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. LLOYD DAVIES said, he must express his approbation of the financial measures proposed by the Chancellor of the Exchequer. The right hon. Gentleman had shown great discrimination in apportioning the various items of additional taxation. Although he felt the greatest sympathy for the lower classes, still he thought it was not fair to exempt one class from direct taxation and throw all the burden of that taxation upon another.

SIR HENRY WILLOUGHBY said, he wished to ask the hon. Member for Glasgow, who, as he understood, proposed to raise 20,000,000*l.* by terminable annuities, how he proposed to pay the interest upon them. Any gentleman who could solve that problem would be justly considered a Financial Minister. He found that the objections in the House to any sort of taxation were so inconsistent that they answered one another; but if they were acted up to, there would be no revenue at all. He wished also to ask the Chancellor of the Exchequer for some information with respect to the increase which was made in the malt tax last year. The late Chancellor of the Exchequer estimated that by a certain increase of the malt duty there would be an addition to the revenue of 1,600,000*l.* He wished to know if that estimate had been realised. He did not like duties on articles of general consumption, but he could not conceive how Government could propose a tax of 150,000*l.* on coffee, whilst, at the same time, they were taking off 190,000*l.* on newspapers. He did not see the necessity for taking off this amount. No one asked for it. Nobody complained of the impost; and, for his part, he confessed he liked the luxury of a good newspaper, and he thought this was a direct violation of the principles which had prevailed of late. It was an inconsistent system of taxation, and, in his opinion, a blot upon the financial scheme. He also wished to know from the Chancellor of the Exchequer what amount of tea had been taken out of bond, as he had been informed that large quantities of tea and sugar had been taken out of bond lately. The country was anxious for information upon both questions—how much of the 1,600,000*l.* anticipated by the increased duty on malt imposed last year had been received, and how much tea had been taken out of bond, in anticipation of the increased duties which the Budget imposed.

THE CHANCELLOR OF THE EXCHEQUER said, that the three articles upon which the late Chancellor of the Exchequer had proposed to levy an additional amount of duty were sugar, malt, and spirits. On sugar and spirits there had not been a diminution, but an increase in the consumption, notwithstanding the additional duty imposed. With regard to the malt tax, the result, so far as it could be at present ascertained, was less favourable. The accounts of the malt duty were in such a state that it was not possible at present to ascertain the result with accuracy, but it did appear that the result was less favourable than it was in the case of sugar and spirits. One cause of its being so was no doubt the high price of barley during the last harvest. The produce of the malt duty had fallen short of the estimate, though the general estimate of his right hon. Friend the late Chancellor of the Exchequer had been exceeded on the year to the extent of 1,000,000*l.* As to the remission of the newspaper duty, he thought it had been sufficiently discussed when the Newspaper Stamp Bill was before them. He had argued that the abolition of the compulsory stamp was not a fiscal question, and so regarding it he had not made it part of the Budget. The alteration was proposed on special grounds, and the House had sanctioned his proposal. The hon. Member had likewise asked whether a considerable amount of tea had not been taken out of bond for consumption shortly before the increase in the duty was proposed. A certain quantity had been taken out shortly before the Budget was introduced, but it was insignificant in amount.

MR. HEYWORTH said, if the people had been well informed on the subject of these changes, he was sure they would have preferred the income tax to indirect taxation. He protested against a system of taxation which not only deprived the poorer classes of their earnings, but diminished the sources from which their labour was made profitable. He objected to the injustice of this tax as an income tax upon the poorer classes, and as one which bore with tenfold force upon those who had large families.

MR. JOHN MACGREGOR said that, finding there were so few Members present, and much apathy on their part to prevent a press of taxation, he should, under the circumstances, withdraw his Motion.

Amendment, by leave, *withdrawn.*

Main Question put and *agreed to.*

House in Committee, Mr. FITZROY in the Chair.

Clause 1.

MR. MICHELL said, he thought the Budget was as good a one as could have been produced under the circumstances, had it not been for the tax upon chicory. He must complain that the tax was proposed and explained, not by the Chancellor of the Exchequer, but by the Secretary for the Treasury. He considered that the tax was one of protection, but he did not see how it was to be collected. He thought some explanation ought to have been given before the tax was imposed. The tax was not alluded to by the Chancellor of the Exchequer in his financial statement, but it had been placed on the Resolutions by the Secretary for the Treasury. He was not aware that this was the custom of the House, and he hoped that the Chancellor of the Exchequer would withdraw it.

MR. WILSON said, if the hon. Member had paid attention to the question he would have found that there was no duty upon raw chicory, and the duty placed upon ground chicory was merely to prevent coffee being imported from abroad under the guise of chicory.

MR. MICHELL said, that the chicory must be ground before it could be used, and that there was then a duty upon it.

THE CHANCELLOR OF THE EXCHEQUER said, there was no Customs duty upon raw chicory imported from abroad, still less any Excise duty upon that grown in the country. An objection to the present state of the law, which had been forcibly urged upon him by a most influential deputation, was, that there was not sufficient protection for those interested in coffee against the competition in chicory.

MR. MICHELL would be satisfied if the words "or ground" were left out.

Mr. Heyworth

MR. GREGSON proposed to add to the clause the following words:—

> "That the duties be made payable on coffee, sugar, &c., until the 5th day of April inclusive, which shall first happen after the end of twelve months from the date of a definitive treaty of peace with Russia; from which last-mentioned date the same duties shall be paid as were payable previous to the passing of this Act."

THE CHANCELLOR OF THE EXCHEQUER said, it seemed to him that the words proposed by the hon. Member would not have the effect which he intended. If it were the wish of the Committee that the additional sugar duty should be a war duty, it should be done by special enactment. It was better not to press the Amendment then, but to bring it up on the third reading.

MR. THOMSON HANKEY trusted that his hon. Friend (Mr. Gregson), after the observation of the right hon. Gentleman, would withdraw his Amendment. He considered that the colonial interest should have some hope held out to it, that after the war it would be put on the same footing as before the war.

MR. HILDYARD said, he thought they should not be anticipating these questions; but if they did, they should take as much care of the interests of the colonies as they did of foreigners.

MR. BLACKBURN said, he would suggest that the Government should undertake to introduce a clause on the subject to which the hon. Member for Lancaster (Mr. Gregson) had referred.

THE CHANCELLOR OF THE EXCHEQUER said, he would, as it appeared to be the wish of the Committee, introduce a clause for the purpose suggested by the hon. Member.

CAPTAIN LAFFAN said, he wished to point out the impolicy of imposing differential duties on sugar, and he must complain also, that this was often conducted so as to be more favourable to the London than the country merchants. Why should discriminating duties be put upon sugar any more than upon tea or coffee, which differed as much in quality? The sugar-producing colonies felt this grievance severely; and these colonists had no one to represent them in that House. Those planters who sent their sugar to market in a slovenly condition escaped with a low rate of duty, while those who produced fine sugars were taxed heavily. The duty, in fact, operated as a tax upon improvement. There was a large class in this country who had an interest in upholding this state of things, in order to give employment to refiners in London. Some kinds of tea were three times as valuable as others; but the same rate of duty was laid on all. Why was not the same course pursued with regard to sugar? It was said that sugar was taxed in proportion to the saccharine matter it contained, just as spirits were taxed in proportion to the amount of alcohol. But in the latter case there was a good reason for the distinction; otherwise the alcohol might be indefinitely diluted with water; but the saccharine matter in sugar could not be diluted or adulterated.

Clause *agreed to,* as were the remaining clauses.

In answer to Mr. Cayley,

The CHANCELLOR of the EXCHEQUER said, he could not give any further information as to the produce of the augmented malt duty than had already been given.

Mr. E. BALL said, he wished to call attention to some hardships that existed in the mode of taking securities from maltsters for the amount of duty payable. They were required to give security for double the amount of duty; and their sureties, however responsible, were prevented from selling any portion of their estates while their bonds were in force—on the ground that the Government held a claim over the whole. He hoped the Government would afford some relief on these points.

House resumed.

EDUCATION (SCOTLAND) BILL.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a Second Time."

Mr. BLACKBURN, in moving as an Amendment that the Bill be read a second time that day six months, said, he would not occupy the time of the House by dwelling upon the advantages of education, or the importance of bringing it within the reach of the children of the poorer classes, a matter on which all were agreed. While, however, the importance, the advantages, and the necessity of rendering education available to those classes were evident, he thought the fact that three Bills had been introduced on the subject by very distinguished Members of that House, each proposing different systems, showed the difficulty of establishing any plan which might not be open to numerous objections. That circumstance, in his opinion, also showed the necessity of caution in dealing with a country which possessed a system of education that had acted well, in the hope of introducing some plan that would work still better. The people of Scotland were fortunate in possessing a system of education which had worked well for three centuries, having been introduced at the time of the Reformation by John Knox, and those who were called "the Fathers of the Church of Scotland." About the year 1600 a very large number of parochial schools had been established in Scotland by the Church, and in 1616 the Privy Council recognised these schools. In the year 1613 an Act was passed by the Parliament of Scotland in their favour, which was subsequently confirmed. In 1646 another Act was passed on the subject, which might be considered to have established the parochial schools as they now existed, and which, although it was repealed at the Restoration, was re-enacted in 1696. The parochial schools of Scotland might be considered to have existed for nearly two centuries, and they were essentially Church schools. There was no law laid down as to what was to be taught in them, but they were given over to the management of the Church, and the education afforded in them was to be a religious education under the charge of the Church of Scotland. He thought an attempt was now being made to overthrow that principle and to substitute a new one in its place. He believed it was universally admitted that the schools established by the Church of Scotland, and which had been adopted by the State, had worked remarkably well, and had done a great deal to raise the character of the Scotch people. In support of his assertion respecting the utility of the system, he would quote the opinions of two persons to whose views he thought hon. Members would be inclined to attach much importance. The right hon. Member for Edinburgh (Mr. Macaulay) had expressed his opinion that the establishment of parochial schools in Scotland effected such an improvement as the world had never seen in the intellectual and moral character of the people. The Marquess of Lansdowne, the late President of the Committee of Council on Education, also stated in 1850, that though he was far from saying that the schools in Scotland were in a perfect state, or that they were sufficiently developed to meet the wants of the country, still he would much regret seeing any system of education attempted in that country the basis of which was not founded upon the principle of the parochial schools, which had been the means of giving to Scotland the great national pre-eminence in education that she had so long enjoyed. He (Mr. Blackburn) did not mean to say those schools were perfect, but he thought nothing could be more distinct than Lord Lansdowne's testimony to the principle on which they were established—that of a connection with the Church. The right hon. and learned Gentleman, the Lord Advocate, who brought in this Bill, had also stated that at present the parochial schools in Scotland were more efficient than they had ever been before, and that they were decidedly more efficient than they were twenty years ago. Another testimony in favour of the existing system might be deduced from the preamble of the right hon. and learned Lord's Bill, which said:—

> "And whereas instruction in the principles of religious knowledge and the reading of the Holy Scriptures, as heretofore in use in the parochial and other schools in that country, is consonant to the opinions and religious profession of a great body of the people, while at the same time ordinary secular instruction has been, and should be, available to children of all denominations," &c.

What higher testimony could be borne to the principle of the schools than the admission that for 200 years past they had given exactly the religious teaching that was desired by the great body of the people, and had communicated secular instruction to the children of those who dissented from the Established Church? The great feature of the present Bill was, that it severed the existing connection between the Church of Scotland and the parochial schools, and thereby destroyed the principle which had produced such excellent results up to the present time. Why had this Bill been proposed when it was admitted that the schools had worked so well and had effected so much good? He thought, the true reason had been assigned by the Duke of Argyll, who in 1850 stated in his place in the House of Lords, that the agitation which had been raised for the overthrow of the parochial system was founded in the main on those feelings which all Dissenters bore to all Established Churches, especially to those which they had lately left, and from which they differed least. Now, with regard to the Free Church seceders, very exaggerated statistics, he thought, had been published; but that was of no great importance at the present moment. It was impossible, however, when the presentation of petitions on this subject took place, not to be struck with the frequent repetition of the words "Free Church," the petitions from Free Church presbyteries and synods being so very numerous. He had great respect for the Free Church, and thought the conduct of those 450 ministers, who left their manses and stipends for what they believed to be a great principle, was worthy of all praise; but it did not follow that he thought them right in leaving the Church, and he believed some of themselves were now of the same opinion. Be that as it might, however, the present Bill was directly opposed to their own principles. The protest which they left behind them when they seceded from the Church, and which he believed was drawn up by the hon. and learned Member for Greenock (Mr. Dunlop), stated that they held by the doctrine of an Established Church and by the principles of the Church of Scotland; but one of the principles of the Church of Scotland was, that there should be connected with it a system of parochial schools. Then, why should they wish the schools to be disconnected from the Church? It was no argument to say it was not the right Church, for those who formed the secession could not be admitted as the judges in such a case. He thought the best thing they could do was to petition Parliament to give the Established Church such relief as would enable the Free Church to join it again. The Bill before the House proposed to transfer the entire management of the schools in Scotland to a Board. He thought the Scotch Members would rather abolish some of the Boards that already existed in Edinburgh than aid in the establishment of a new one. He believed that even the hon. Member for Edinburgh (Mr. Cowan) would hardly be in favour of a new Board, though, no doubt, some of his constituents derived considerable advantage from those that already existed. It would be infinitely better that the inspectors should report at once to a Minister in London—say a Minister of Instruction, or, failing a Minister of Instruction, to some one charged with the administration of Scotch business, who would leave the right hon. and learned Lord Advocate time to attend to his important duties, than to have a Board constituted as was proposed by this Bill. The Board was to consist of seventeen persons, of whom eight were to be nominees of the Government, the President of the Educational Institute, four provosts from four large towns, and four representatives from the four Universities of Scotland. Now, last year the test was abolished in the Universities with regard to all the chairs except that of Divinity, so that the professors were not necessarily religious men—they were only philosophers. But the next four members of the Board were not philosophers, but provosts. The provosts of Scotland—analogous to mayors in England—were, no doubt, a respectable body, but they were a most extraordinary class from whom to choose those who were to have the control of the whole education of Scotland. The provosts of the four towns who were to be members of the Board were highly respectable gentlemen; but not one of them dreamed, when elected, of being put to superintend the education of the country. The effect would be, that either the provosts would not be fit to direct the education of Scotland, though they might be excellent provosts, or, if they were selected only for their qualities in regard to education, that they would not be good provosts. Taking the Board as a whole, he believed it to be one of the worst ever constructed, while its powers were absolute and perfectly free from control. It would have the control of the religious education that was to be given, and in all cases the schoolmaster would have to obey its orders. If a clergyman took exception to the religious opinions of a schoolmaster, if, for example, Dr. Candlish and Dr. Cunningham—and he should be sorry at present to mention the one and not the other—should object to the religious views of a schoolmaster, they could do nothing in opposition to the Board. Say that the doctrine of original sin, which was a favourite doctrine with the people of Scotland, was in question. The Board would no doubt reflect the Government views upon that subject, and it so happened that we knew what those views were, for the noble Lord at the head of the Government had stated that all people were born good, and that therefore there was no such thing as original sin in the world. The people of Scotland thought there was nothing so bad as Erastianism. The spirit of Erastianism was subjecting religious questions to the authority of a civil tribunal. Viewed in that light, this Bill savoured of the grossest Erastianism, for it would subject the religious education of Scotland to a Civil Board. The School Commissioners were to be entirely under the orders of this Board. He did not think that, with such powers vested in the Board, respectable people would consent to become members of the school committees. Some vague reasons might be put forward for the proposed change, and among others it might be said that it repealed the test for schoolmasters. The schoolmaster had to give religious instruction, and it was necessary to see whether he had what he was going to teach. There must therefore be some examination into the religious opinions of the schoolmaster. The preamble of the Bill was, that there was to be religious teaching, but where the provision for such teaching was to be found in the Bill he did not know. It would be a mistake to suppose that the people of Scotland thought of religion as a thing set apart from the rest of life, and this examination of the schoolmaster was a qualification, and not a test. Another general accusation was, that the Church of Scotland wanted to monopolise the teaching of the young. But the friends of the Church offered that if the Government would leave these schools alone, they would join the right hon. and learned Lord Advocate in enacting a provision for schools for those places which were destitute at present. The members of the Church of Scotland did not want a monopoly of the whole education of Scotland, but only wished to keep their own schools to themselves. It was equally untrue to say that the parochial schools of Scotland were sectarian. The schools of Scotland never had been sectarian, but they had taught the religion of 95 per cent of the Scottish people, as had been admitted by the right hon. and learned Lord Advocate himself. The fact was, it was not what was taught in these schools to which people objected, but those by whom it was taught. The late highly respected Mr. Hume bore testimony to the harmonious working of the system in his youth, and to the absence of distinction between religious sects, and the system had gone on in the same manner ever since. The present President of the Council had expressed an opinion on this subject which had led him to doubt whether this could be a Government measure. Perhaps it was an open question, and they might hear the noble Duke (the Duke of Argyll) object to it when the Bill went to the other House. The noble Duke said that the Dissenters of Scotland found the same religious teaching and the same catechism in these schools which they themselves approved of, and that these old institutions of the country should be the last object upon which any experiment should be tried. There was one general argument against interfering with these schools, to which be did not wish to attach undue importance, but by the Act of Union the schools of Scotland were secured to the management of the Presbytery. He did not wish to speak of the Act of Union as it resembled the laws of the Medes and Persians, but what the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) said the other night of the Act of Uniformity might be said of the Act of Union, that it must be considered a fundamental law, which, without strong necessity, ought not to be changed. Now, had any strong case of necessity been made out in the present instance? The large towns wanted schools, and it was natural that the borough Members should not like to refuse the right hon. and learned Lord permission to introduce his Bill. They all did so, however, hoping it would be amended. So, to all the petitions presented in favour of the Bill, there was some qualification or other. The petitioners did not like the Bill, but they liked the blow it dealt at the Established Church. Only two public meetings had been held in favour of the Bill, and at one of these—in Edinburgh—they were obliged to cut down the resolutions to nothing at all, and the Lord Provost had to explain that the meeting was one in favour of the Bill, and that those who were opposed to it could not be heard. There had been 117 petitions presented against the Bill, signed by 5,876 persons, while there had only been six petitions and six signatures in favour of the Bill, so that it could hardly be represented that an overwhelming amount of public opinion had been manifested in favour of the Bill. Lord Melgund, in a letter written by him before the Bill was printed, had conjectured that the denominational clause might be excluded from the Bill, although its principle might be continued by a separate system. The denominational clause was apparently excluded from the Bill, and the right hon. and learned Lord Advocate had taken credit for leaving it out, but if hon. Members would turn to the 45th Clause they would find what appeared to him to be the denominational clause in another shape. The 45th Clause was as follows—

> "It shall be lawful for the Committee of Council to alter or modify, in so far as they may consider it to be proper with reference to the provisions of this Act, any existing Minutes of Her Majesty's most hon. Privy Council in regard to education; but such Minutes, unless in so far as altered or modified, shall be in no way affected by the passing of this Act."

It appeared to him that the Committee of Privy Council, under colour of this clause, might continue the grants to denominational schools, and he should like to know whether those little Maynooths were to be supported or not by the Government. Were the Presbyterians of the Free Church and Roman Catholics to receive grants from the Privy Council, and was the Established Church to be excluded? He hoped that the House would consider whether it was advisable to change a system which had acted well for one totally untried, and whether it would not be right, if the Government wished to try a new experiment, to compel them to resort to a new field for the purpose. It appeared by statistical returns that in Glasgow actually 80 per cent of the children between the ages of five and twelve attended school. Could they, then, oblige the remaining 20 per cent to go to school? That was a difficulty which he feared the right hon. and learned Lord's Bill did not touch. In Edinburgh that 20 per cent would not attend places of instruction, notwithstanding the establishment of ragged schools and the temptation of a dinner given to the scholars, and he believed that nothing but a compulsory measure would make them go to school.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. DUNLOP said, that as the hon. Member had mentioned that according to the last Report only six petitions had been presented in favour of the Bill, he wished to state that last night he presented nineteen and on that day twenty-three petitions in its favour; and his right hon. and learned Friend the Lord Advocate had presented fifty. Last year there were presented to the House 872 petitions with 85,689 signatures generally favourable to a Bill such as the one before the House, and the petitions in a contrary sense had only 42,381 signatures. The hon. Gentleman (Mr. Blackburn) said that the Bill had the support of the borough Members only. The fact was, that thirteen county Members voted for the Bill of last year, and fourteen against it, leaving only a majority of one county Member against the Bill. On the other hand, twenty-three borough Members of Scotland supported it, and not one voted against it, so that of Scotch Members there were thirty-six for and fourteen against the Bill of last year. The Members in favour of the Bill represented 66,531 constituents, and those against it 23,878, or three to one, being much in the same proportion as the Members who voted on either side. There could be no doubt, therefore, that the feeling of the people of Scotland was decidedly in favour of the Bill. As they were now discussing the principle of the Bill, he would not follow the hon. Gentleman into all the details he referred to; but if the hon. Gentleman really believed that it would be so mischievous in its effects, he would scarcely have proposed, as he had done, that the whole town population of Scotland should be subjected to its operation. There were two contending schemes in reference to Scotch education. According to one, the schools would be continued under the control and superintendence of the Church Establishment, and according to the other, which was the scheme of the right hon. and learned Lord's Bill, Scotland would have a national and not a denominational system of education. There were great facilities for establishing a national system in Scotland. Since eight-ninths of the church-going population belonged to Presbyterian bodies, holding the Westminster Confession of Faith, and they with Dissenters agreeing with them absolutely on all questions of religion amounted to nine-tenths of the population. With this general agreement it was desirable to establish a national system of education, instead of maintaining one under the exclusive superintendence of the Established Church. It was a matter of some importance, in discussing the question, whether the Established Church of Scotland should have the exclusive control of the people of that country, to ascertain in what proportion the inhabitants of Scotland adhered to the communion of that Church. Referring to the attendance at Divine worship in Scotland on what was called "Census Sunday," he found that above one-third of that attendance consisted of the members of the Free Church; and less than one-third of the members of the Established Church, while more than one-third was composed of other denominations. Then let them look at the state of particular counties. Members of the establishment were in a majority in only two counties, and in Ross, Cromarty, and Sutherland they numbered not more than one-twentieth of the population. Yet it was proposed that the education of the people should be placed entirely under the control of the establishment, and to be conducted by teachers who should be members of that body. The honour of founding the parochial schools was due to the people of Scotland, who had, at the Reformation, without legal aid, voluntarily assessed themselves in every parish for that purpose, and now that the greater part of Scotland had been driven from the Established Church, they asked that their schools might be restored to them. He would appeal to the generosity and justice of the English Members to support that demand. The votes of English Members in opposition to the wishes of the people of Scotland, re-establishing Church patronage after the Union, and rejecting the claim of right in 1843, had been the sole cause of the existing divisions among Presbyterians in that country, and he called upon them to make some reparation for the evil they had done, and having deprived Scotland of an united Church, not to deny to her a common school.

Mr. H. BAILLIE said, he wished to state the reasons which prevented him from supporting this Bill. It contained no clause which gave the slightest security to the people of Scotland that the education to be afforded to their children would be religious education; but, on the contrary, it removed the securities which at present existed. No religious test was to be required from the schoolmaster, who might be a Roman Catholic, or a member of any other religion, or who might have no religion at all; and it was proposed to remove the supervision of the clergy, and to substitute for it a Board of Education, the majority of which was to consist of nominees of the Government. They all knew that the management of such Board would be in the hands of the chairman and secretary, for whose religious opinions they had no guarantee. The present Bill was an attempt to substitute a secular for a religious system of education, and a question arose whether the English Members would force a system, which they were unwilling to apply in their own case, on the people of Scotland. The right hon. and learned Lord Advocate had been accused of bringing forward this measure in order to carry out the views of the

Free Church. This he had denied, and he (Mr. Baillie) believed this denial, and would prove to the House that it was very unlikely this Bill was drawn up with the concurrence of the Free Church, because when they had had time to consider its provisions they were by no means a united body in its favour. The Free Church of Scotland, however, consisted of one-third of the population; they were an earnest and religious body, had made enormous sacrifices in the cause of education, and if they had just cause of complaint it deserved attention. The Free Church complained, in the first place, that a test was required of the schoolmaster, who must be a member of the Established Church; this of course precluded the possibility of the parish schoolmaster being a member of the Free Church. He thought this was a grievance, but did not see the impossibility of removing it. The hon. Member opposite had stated that the creeds of the Free and Established Churches were the same; this was also the case with reference to the United Presbyterians, and, being so, he (Mr. Baillie) saw no reason why a test could not be framed which all could take, or why they should not take the Westminster Confession of Faith. He believed that all parties would be inclined to come to some such a compromise. The second point to which the Free Church objected was to the appointment of the schoolmasters being in the heritors and the kirk session, but he considered no great difficulty would arise on this question. The third point objected to was one of more importance — namely, the supervision of the schools by the presbytery; and considering the benefit conferred on education by the presbytery, and its present efficient state, he thought it would be very hard to take the schools from under its supervision. But on this, as on the other points, he considered that a compromise might be made—as, for instance, the Government might nominate inspectors, who might be members of the Free Church, to act with the presbytery. He had spoken of the Free Church as not being a united body in favour of this Bill, and he did so on the authority of the Free Church itself, for the Synod of the Free Church of Glasgow had come to resolutions objecting to the Bill on several grounds, and among others because, while it abolished the test, it gave no guarantee for the moral qualification of the schoolmaster, or for his belonging to any denomination whatever. The Lord Advocate had reproduced his Bill at a very favourable time. When the Bill was thrown out on former occasions he found he was met by a Parliament which was active and energetic in the discharge of its duties, but now the right hon. and learned Lord found a Parliament which was passive and apathetic, which had resigned itself to the neglect of all domestic legislation, and which supported the measure of a Government it admitted to be weak and inefficient, rather than put it to the inconvenience of active opposition. These were very great advantages, under which the Lord Advocate might pass the Bill through this House, but he was not on this account to imagine that there was any change in favour of the Bill on the part of the House or of the country, for if there was a change it had been shown rather against than in favour of the Bill. But even if the Bill passed this House, it would have to undergo the ordeal of the other House, and the Lord Advocate must have made a shrewd guess as to what the result of that ordeal would be. He hoped, in conclusion, that if the Lord Advocate was defeated on this Bill he would take into consideration whether a compromise could not be arrived at; and he (Mr. Baillie) should esteem it a privilege if, in any future year, he could, under the right hon. and learned Lord's auspices, give support to a measure for the education of the people of Scotland.

Mr. BAXTER said, that the hon. Member who had just resumed his seat had said that this was a Free Church measure. Now that was not a correct statement, for he believed that it was much more ardently desired by the Dissenters than the Free Church.

Mr. H. BAILLIE said, that on the contrary he had said that he did not think the Free Church desired this Bill.

Mr. BAXTER said, he was sorry that he should have unintentionally mistaken the purport of the hon. Gentleman's remarks. The hon. Gentleman had dwelt upon the fact that the Free Church synod of Glasgow and Ayr had pronounced against this Bill. But he did not tell the House that on the occasion when these resolutions were passed, not more than twenty-three out of 300 members of the synod attended the meeting. Great stress had been laid during the debate upon the benefit conferred upon Scotland by these schools. He was not about to deny this, but it did not follow that because these schools, under the direction of the Church, had been of great advantage to the country, when that Church embraced the great mass of the people in its fold, they should be attended with equal advantages at a time when the Established Church did not comprise more than one-third of the people. If the Church of England was not to be allowed to monopolise the education of the people of England—and even the Bill of the right hon. Baronet the Member for Droitwich (Sir J. Pakington) did not propose to give her such a monopoly—there certainly was no reason why the Established Church of Scotland, which was in a minority of one-third of the whole population of that country, should have that privilege. The whole question now before the House resolved itself into one of religious liberty. He wanted to know why the children of the people in the county of Sutherland, where the population were, almost to a man, members of the Free Church, should be compelled to attend the schools of the establishment. On the one hand was the Established Church, which had been shaken to her foundations by the events of 1843 and by other events, attempting, with praiseworthy zeal, to retain her hold over the education of the people; and on the other hand there was the vast majority of the people of Scotland appealing to that House in support of this Bill, which was a fair and reasonable compromise between the two parties, and which the House of Commons would do well to pass. Considerable stress had been laid on the number of petitions which had been presented against this Bill, but the greater part of them were from presbyteries and synods in different parts of the country; and, with all respect for the opinion of such bodies on questions of this sort, involving ecclesiastical domination, clergymen could not in all respects be said to represent the opinions of their congregations. He was convinced that a large proportion of the lay adherents of the Established Church were not disposed to follow their clergy on this question, and he warned the House that if they rejected this measure no long time would elapse before a stern and uncompromising demand would be made for one more uncompromising in its details, which the opponents of the present Bill would not venture to resist. The House of Commons would scarcely like to see the Scotch Members become as loquacious and even as pugnacious as the Members from the sister island—taking every possible opportunity, because justice had been denied them again and again, of thrusting their particular grievances before the House. Scotchmen were generally slow to anger and not easily excited; but, once convince them that they were the victims of gross injustice, they would become quite as noisy and a great deal more obstinate than the most eloquent agitators for a Parliament on College Green. No doubt many alterations might be introduced in the details of the Bill, but he heartily approved its general principle, and if the House rejected it, none would be quicker to discover the grievous mistake which they had committed than its opponents.

Mr. JOHNSTONE said, he objected to the Bill, on the ground that, while it took away the securities now existing for religious teaching in the schools of Scotland, it substituted no other religious securities in their place. The authors of the Bill had, as it appeared to him, setting aside long experience, and entertaining a species of monomania against religious tests, by one short clause done away with those great securities. It was proposed to remove both from the schoolmaster and the inspector all those religious tests which had operated so beneficially since the schools had been in operation, but it did not contain a single provision supplying their place with any other arrangement calculated to secure the same end.

Viscount DUNCAN said, that the Bill was one, not for the partial but for the general education of the people of Scotland, and yet three gentlemen had successively spoken against it. The hon. Member for Stirlingshire (Mr. Blackburn) insisted that the Bill was a Free Church Bill, while the objections of the hon. Member for Inverness-shire (Mr. H. Baillie) were grounded upon the same principle which had induced the Free Church to oppose the measure, and the hon. Member for Clackmanan (Mr. Johnstone) opposed it, as it seemed, because it was very nearly identical with the Bill brought in last year, and which had the honour of his support. The objections which had been raised to the Bill were, as these rival objections might show, rather on matters of detail than of principle. He would beg to remind the House of the difficulty of legislating upon the subject of education, and would appeal to its good sense to agree to the second reading of the Bill, and then the objections which had been made to it, and which were, as he had just stated, objections to details, could be conveniently considered in Committee. It was true that Scotland had taken a lead in the education of her people, but he was far from asserting that in that country education was perfect. From the Report of the Sanitary Commissioners it appeared that the condition of persons employed in the collieries was very bad, and in Glasgow, out of a population of 25,000, it appeared that when that Report was made only 2,368 children were at school. Such being the case, he hoped that the House would not hesitate to pass a Bill which would be productive of great benefit. In 1696 an Act was passed for the education of the people of Scotland, and two subsequent Acts had been passed relating to the same subject, but burghs were excluded from the operation of each of these Acts; and would the House be now justified in withholding from those burghs a general system of education to which they were entitled? It was proposed by hon. Gentlemen on the opposite side of the House that the Established Church, which comprised about one-third of the population of Scotland, should enjoy a monopoly of education, but he questioned the right of any one sect to such a monopoly, and was in favour of the adoption of a general and comprehensive system. The hon. Member for Stirlingshire (Mr. Blackburn) said that it would be better for the Educational Board to sit in London than in Edinburgh, but if such a proceeding were attempted it assuredly would be viewed with the greatest jealousy by the people of Scotland. All parties now strongly desired to see this question settled on a permanent and comprehensive basis, and when its difficulties were fairly grappled with many of them would doubtless disappear. It was to be hoped, therefore, that this measure would receive the support of a large number of the Scotch Members of that House, by whom alone the English Members would do well to leave it to be dealt with in Committee upstairs; and if the measure were only allowed now to be read a second time it would no doubt soon become popular with the people, for whose benefit it had been framed.

Sir JOHN PAKINGTON said, that this measure had been discussed with so much ability by Members on both sides who possessed the advantage of local knowledge in relation to it, and especially so by the hon. Member for Stirlingshire (Mr. Blackburn), who had addressed them that night for the first time, that it would be improper in him to detain the House at any length on the subject. Still, having been so frequently appealed to in the course of the debate, he wished to explain the grounds of the vote he was about to give. The measure for promoting education in England and Wales that he had recently introduced had been referred to by the right hon. and learned Lord Advocate and others as justifying the provisions of this Bill for Scotland. Giving the best attention he could to the measure before the House, he could find nothing in the Bill to justify hon. Members in appealing to him for support on the ground of his own Bill on the subject of education. This Bill was in many of its most important principles in direct opposition to his Bill. Let them compare for a moment the respective contents of the two Bills. One of the most important objects of his Bill was the retention of all existing schools and other educational agencies, whereas the destruction of the present schools was a leading feature of this measure for Scotland. ["No, no!"] This Bill certainly proposed to sweep away the system which had been pursued with so much benefit to Scotland for the last two centuries and upwards. Another of the proposals of his Bill was designed to preserve a distinctive religious character for every school, combined, however, as every national system of education must be, with the completest toleration. Well, but in Scotland there were already schools with a religious character, but the schools which were to supersede them under this Bill were not to possess such an essential characteristic. Again, his measure to maintain the religious character of the schools required the teaching to be of the same denomination as that to which the school belonged. Now, in Scotland they had a test by which they secured the religious qualifications of the teacher; but this Bill sought to repeal that safeguard, and provide no substitute in its place. Here, then, were two broad differences between the measures in question. When, therefore, they were asked to assent to the abolition of the old established system of Scotland, they would naturally inquire whether it had failed or fallen short in the accomplishment of its mission. It was said that the great majority of the people of that country were adverse to the maintenance of the system, but certainly the statistics of the census presented no proof of that assertion. On the contrary, they showed that at present there were no less than 1,039 parochial schools in existence, supported by general or local taxation, and chiefly by taxes on land. In addition to these there were also connected with the Established Church 537 other schools; and the aggregate number of scholars in the two classes of schools above enumerated was 125,895. The Free Church had striven to do its duty in the work of education, but its influence, however it might appear to be in the majority, was certainly very limited as compared with that of the Established Church. It possessed only 712 schools, with 62,660 scholars; while in connection with the third denomination—the United Presbyterians—there were but sixty-one schools, with 5,807 scholars. Why, then, should those who were in favour of the extension of national education be required to aid in the demolition of a machinery that had worked so beneficially? What were the main points which he had advocated in bringing forward his scheme for England and Wales? Why, first, that they should establish there a national system of education; but in Scotland they now had such a system in operation. Secondly, he had laid it down that education should be supported by local taxation; but in Scotland education was already maintained in that manner. Thirdly, he had contended that their national system should be religious; but in Scotland that was a characteristic of the existing schools. Fourthly, he had held that the system for England ought to be tolerant in its principle; and in Scotland the schools connected with the Established Church fully recognised the independence of Dissenters. He believed there was no country in the world where the feeling of the Protestant inhabitants was more decided against Roman Catholicism than in Scotland. He found, however, that a considerable proportion of Roman Catholics attended the schools, and it was the practice not to press on Roman Catholic children any doctrines against their own religion. This was the very system he was advocating for England. How, then, could he give his support to this measure consistently with the position he had taken with respect to education in England? He wished for full toleration in England, and he found the system in existence in Scotland based on complete toleration. How could he lend himself to the destruction of such a praiseworthy system? It was the presence of such a system in Scotland which had inspired them in England with a feeling of humiliation at the want of such a system. He was told that the Free Church of Scotland approved of the Bill. But were the people of England likely to adopt a system because the Free Church of Scotland approved of it? They had been lately told that the Free Church clergy had censured those who allowed their children to attend schools not connected with the Free Church. He greatly feared that this Bill would not lead to harmony, and that while it destroyed an efficient system it would substitute nothing equally advantageous in its place. He was reluctant to oppose the Bill as a whole, as there were some parts of which he approved. He really believed that some reasonable change would be agreeable and beneficial to the people of Scotland; but he could not approve of the way in which the Bill was framed. If the right hon. and learned Gentleman would bring in a measure to supply appropriate education to rural districts, or to improve existing schools, that measure should have his support; but, as he believed the Bill, as framed, would prove injurious to the people of Scotland, he must give a reluctant vote against it.

The LORD ADVOCATE said, he must congratulate Scotland upon the fact that it had acquired an interest in the mind of the right hon. Gentleman who had just sat down, while he regretted that the right hon. Gentleman had not shown a more intimate acquaintance with the facts of the case and with the intention of the Bill than he had displayed. The Bill which he proposed had three objects in view—to reform the parish schools, to ascertain the educational wants of the people, and to supply those wants as they arose. Of those three objects, the last, unquestionably, was the most important. It was a great subject of congratulation and encouragement that on the last two of those objects, which were by far the most important, the Scotch Members of every caste were agreed. He had heard no proposal from the other side to supply those wants. He had heard expressions of strong conviction that something must be done, and he had been told in plain terms that if he would only allow the parish schools to remain as they were, hon. Members on that side would be willing to accept the measure. Now, Government had devised a measure for the supply of the wants of the great towns and populous districts, in which the Scotch representatives on one side of the House acquiesced, and to which those on the other side agreed.

Why, then, were they to be stopped on the threshold, and the Bill to be thrown out on the second reading? The right hon. Gentleman the Member for Midhurst (Mr. Walpole) said that it was his (the Lord Advocate's) own fault, asking him why he did not leave the parish schools as they were, and deal solely with the large towns, as to the remedy for which they were all agreed. But he was asked by another class why he did not apply the same reform to the parish schools as he did to the town schools, and why he did not introduce the popular element there. Were there no parties interested in a parish schoolmaster being a proper person but the landholders, who did not send their children to his school? He was told that he was pulling down the parish schools. These complaints from both sides showed that nothing could be further from his wishes or intentions. On the contrary, it was perfectly clear that the Government had done all that the right hon. Member for Midhurst and others proposed should be done; they had dealt separately with the great towns and the parochial schools. If those impediments were always to arise in the way of education—if they found that no concessions would produce conciliatory results—if the landholders were to be for ever deaf to the voice of public opinion and experience, and blind to the course of events, the time might come when it would be the duty of those who had in their hands measures of educational reform entirely and utterly to remodel the system which seemed to be one only of obstruction. He would now state the three reasons why it seemed to him quite impossible to allow things to remain on their present footing. In the first place, he quite agreed with the right hon. Gentleman (Sir J. Pakington) that no partial or temporary cure need be tried. Reform must be applied upon a comprehensive system, or not at all. The right hon. Gentleman said the voluntary system had failed, and so it had. He also said that the denominational system had placed schools in the rich districts, and left the poor unprovided, and so it had. Unless things were done on a system, they need not be attempted at all. Now, it was utterly impossible to leave the parish schools in their present condition, the whole educational machinery of the country required remodelling, and the Bill was not calculated for a system of patchwork. If they left out the parish schools from its operation they destroyed the whole system, and they would have a machinery far too great for the work to be accomplished. The intention of the Bill was that they should know from year to year where schools were required, and that by a uniform machinery those schools should come into existence. But there was a second practical reason that appeared to him to be conclusive. There were between 700 and 800 Free Church schools in Scotland, all receiving denominational aid from the Committee of Council on Education; and if the parochial schools were to remain on their present footing they must in common fairness all receive such aid. The result was, that where one school would be quite sufficient they were keeping up two, incurring a double expense, and squandering the public money. His object in the present Bill was to supersede the denominational by a more comprehensive system; but it was his belief that if the House were not prepared to adopt a national system on that basis, then the denominational was the only system which could be taken instead. They could not have both the systems, and, therefore, to make the present scheme operative for the towns, and not for the parishes, was impossible. But there was a third reason, and a convincing one. Should they settle the question by bringing in a Bill solely for the great towns? Should they settle the question by leaving the parish schools in their present state? Did any Scotch Member really believe that the constitution of the parish schools could remain as it was? A fresh agitation would soon be got up in favour of the opening of the parish schools, for their constitution was utterly dissonant to common sense. Let them look at the northern districts, where the Census showed that of the people nineteen-twentieths were Free Church, and but one-twentieth Churchmen. Was there any reason for saying that the parish schoolmaster must be a member of the Established Church when nineteen-twentieths of the children would not be allowed to go to school? Now, if the present measure were rejected, it was not because they refused to deal separately with a part of the subject; it was because hon. Gentlemen would not accept a measure which they admitted to be beneficial in two particulars, only because the Bill did not square exactly with the objects they had in view. With reference to the right hon. Gentleman (Sir J. Pakington) and the educational measure he proposed, he (the Lord Advocate) would say this much, that the right hon. Gentleman frankly admitted the main point. If they were legislating for England, he (the Lord Advocate) would admit that there was a great deal in what the right hon. Gentleman had said. But the right hon. Gentleman forgot they were legislating for Scotland—a country which would accept of nothing but a religious education. Accordingly the Government had it in their power to do in Scotland what could not be done elsewhere—they could rely to a very great extent upon the religious feeling of the community. Had he not known that the result of the passing of the Bill he proposed would be that the Bible and Catechism would be taught in the schools just as before, he should not have brought forward the measure. But the opposition of certain Scotch Members rested entirely on the ground that the parochial schools should be left entirely in the hands of teachers belonging to the Established Church. That was not at all in consonance with the opinions of the right hon. Gentleman, who had said that he would respect the feelings of the majority of the people in a district, and support education in accordance with those feelings. Then, if it could be shown that in the parishes of Scotland the religion of a denomination was one way, and the religion of the masses another, the right hon. Gentleman could not refuse to give his assent to the measure. On no ground could hon. Gentlemen opposite vote against the second reading of the Bill excepting this, that they did not wish to see these parochial schools thrown open to all religious classes of the community. The right hon. Gentleman said, that these parochial schools were part of the ecclesiastical establishment of Scotland, and ought to be exclusively confined to the members of that establishment. It was hardly with patience that he could hear hon. Gentlemen opposite assuming to themselves the right of representing the whole Church of Scotland, and all that it had done in past days. He found hon. Gentlemen saying that they had a great respect for the Church of Scotland, although they did not belong to it; and as these parochial schools formed part of the ecclesiastical system, they were of opinion that that system would be entirely destroyed if they admitted any schoolmaster who was not inclined to take the test. It was an extraordinary state of things that these Episcopalians were for keeping out the very men whom originally this test was devised to keep in, its object being to protect all those who held to the Westminster Confession of Faith. But what was it that this Bill was intended to do? Its object was, among other things, to render the parochial schools in Scotland more extensively useful; but one argument which was common to all discussions of this kind had been used on this occasion. It was said, "Look at what these schools have done for Scotland—will you touch these?" He admitted that they had done much for Scotland, but not because they were administered in the best way, nor because the masters were well chosen; but all the good that had been done by them was in spite of a defective system. But one thing which the parochial schools in Scotland had done was this; they showed how much might be accomplished, not by trusting to the voluntary efforts of individuals, but by the State setting itself to the discharge of the duty of educating the people. In spite of a great deal of mismanagement, of a pittance to the schoolmasters absolutely contemptible, of supervision at many times most superficial, of discipline at many times most lax, these schools had done much for Scotland, and he now asked the House to proceed on that principle, and to extend its bounds, to have a national system for the towns as well as for the country, to reform the parish schools, and to create new ones where they were required. The first thing proposed to be done in regard to the parochial schools was to increase the salaries of the masters. In the next place, an allowance was to be made to a schoolmaster who was unfit by infirmity for the due discharge of his duties, or who by reason of long service should be allowed to retire. In the third place, the parish schoolmaster was not to be inducted until he had been examined by an inspector. Was that reform not to be tolerated? He might here mention an instance, showing the necessity of this preliminary inspection. A bequest was made to some parish schools in Scotland under certain regulations, one of which was, that the schoolmasters should undergo an examination previously to their being appointed. In one of the Reports of the inspectors of these schools, he found that when they first examined the masters of these schools, only twenty-four out of eighty passed the examination. In the following year thirty more passed, but a large proportion were unable to pass the examination. With respect to the management of these schools, would not any one believe, from the speeches of hon. Gentlemen opposite, that it was proposed to take the management out of the hands of those in whom that management was now vested? But there was nothing of the kind in the Bill. The election of the schoolmaster would remain with the minister and heritors of the parish, and by proposing that it should not be necessary for the schoolmaster to subscribe any test, confession of faith, or formula, it was simply saying that the minister and heritors may elect the best master they could find, whether he belonged to the Established Church or not. He freely admitted that it was proposed to sweep away the test, if they were pleased to call that a qualification. But the best test in his opinion that could be devised, was evidence of the party being a man of intellect, and an honest, able, and competent man for the discharge of the duties confided to him. No doubt, by abolishing the test, it would empower the minister and heritors to appoint a schoolmaster who might or who might not be a member of the Church; and was it not just and right, where the majority of the district held particular religious opinions which prevented them from going to the parish church, that at the parish school their children should have a master who was calculated to give them instruction according to their own opinions? The Established Church in Scotland was still a very influential body, and she might vindicate to herself more influence if she chose; her members, however, did not amount to more than one-third of the population, and nothing was more dangerous to her peace and well-doing than for her to assume the attributes of power without possessing the reality of it. If, however, the members of that Church would listen to advice, though coming from a quarter which they might rather suspect, he did believe that the best thing that could happen for increasing the influence of the Established Church of Scotland was that this Bill should pass. It was impossible to say what heartburnings would arise from the rejection of this measure. He believed that this measure had survived some prejudices, and hoped that it would be attended with more success than that of last year. With regard to the denominational clauses, the effect of passing the Bill would be to do away with denominational grants to Presbyterian congregations. In large towns where there were such large masses of the Catholic population living in ignorance it would be a fair matter for the consideration of the Privy Council whether in such localities it might not be right to continue these grants for their education, but that was left for the decision of the Privy Council. What would be the result of the division he could not foresee, but he hoped the House would assent to the second reading of the Bill. If it did, it would be a victory, not over any denomination, or in favour of one party and against another—it would be a victory over a common enemy, the worst enemy a State could have—a victory purchased with no blood and watered with no tears, carrying desolation to no happy home, but one which would make the heart of the widow and the fatherless rejoice. They would build up for their country what might be truly called "the cheap defence of nations"—a barrier which would hold back the tide of ignorance and crime for years to come.

MR. WALPOLE said, he thought the learned Lord had founded his speech on one or two transparent fallacies. His argument seemed intended to show that those who resisted measures like this were enemies to reform, and were constantly raising up impediments to education; but was this a fair inference? Nobody knew better than the learned Lord, that since 1696, the Scotch system of education had introduced into that country, according to the language of the Acts of Council, instruction in godliness, in civility, in learning, and in knowledge; that the people of that country had been enabled, by means of that system, to go from the rural districts to the universities, where many of them had been raised to the highest honours, and that all of them had been trained morally and intellectually to a high standard. One out of every seven and a half of the people of Scotland were at present being educated under that system; and, according to Mr. Kay Shuttleworth, one in seven of the population constituted a fair proportion of the people who ought to be receiving education at any one time. The learned Lord Advocate, however, appeared to say that the people of Scotland had got tired of a system under which all this had been hitherto accomplished, and he now desired to alter it completely. How was it, then, that 1,800 heritors entreated the House to extend but not to suppress the present system? How did it happen that out of thirty-two counties in Scotland, nineteen or twenty had expressed their disapprobation of this Bill, while only four had given in their adhesion to it? There was, he believed, a decided feeling throughout the country that the existing system ought not to be subverted, though he agreed that it might be extended and improved. He agreed with those who thought that in the Highlands, the islands, and the larger towns of Scotland, education was not supplied to the extent it ought to be—in the one case because the population was so scattered; in the other, because it was so dense. But where you possessed a system which had succeeded to such an immense extent, why not extend, enlarge, and improve instead of subverting it? It was said that you could not have a system of education applicable to the towns where it was now deficient without having this general scheme, which was to apply to the parishes also. Now, he wanted to know why the ratepayers in the towns might not be required to establish schools there in the same way as the heritors had established their schools in the country? The two might, he thought, be kept distinct, and the parochial system retained in its integrity, while a system of education might be introduced into the towns which would meet the only deficiency that could be alleged to exist at present in Scotland. The learned Lord complained that they wished to retain a useless test, but it should be remembered that the arguments used against tests in England did not in the least apply to Scotland, because, though in that country you had an unfortunate difference of opinion in points of discipline, there existed no difference upon points of doctrine. It was easy, therefore, to apply a test in Scotland which did not militate against the opinion of the people of that country. Indeed, the right hon. and learned Lord himself, only two years ago, when he had to consider this question of tests with reference to professors in the Scotch Universities, had substituted for the then existing test one which required the person who took it to say that he would not directly or indirectly teach or inculcate any opinions opposed to the Divine authority of the Holy Scripture, or to the Westminster Confession of Faith. That test was not complained of, and if adopted in this case also, it would give a guarantee for religious teaching. He thought the measure of the Lord Advocate amounted to a proposition to reform not only what was bad but what was good in the educational system of Scotland. Institutions which had succeeded, as well as those which had failed, were all to be brought under the operation of this reforming project, and they were called upon to imitate those unnatural kindred of old who, under the command of the sorceress, cut up their aged parents in order that they might restore them to health and vigour. He (Mr. Walpole), and those who acted with him, did not oppose this Bill because they disapproved the extension of education in Scotland, or because they objected to improvements of the existing system. He considered it a wise provision to increase the salaries of the schoolmasters, so as to render them more independent and respectable, and to secure to them retiring allowances after they had devoted their best energies to the instruction of youth. He also thought they ought to endeavour to extend the educational system to those places where a deficiency of educational means existed, and, above all, that they ought, if possible, to establish reformatory schools in Scotland and elsewhere. In his opinion, however, the cost of maintaining such reformatory schools ought not to be thrown upon the local rates, but ought to be provided for out of the general funds of the State, the object being, undoubtedly, to effect a national good. Acquiescing in many of the objects of this Bill, he (Mr. Walpole) must yet entreat the Lord Advocate to divide it into two parts, in order that those provisions upon which all were agreed might at once be adopted. The differences and animosities which existed in Scotland would not be healed by taking away what of right belonged to one, and giving it to another; but such a course would rather tend to aggravate those differences and increase those animosities. If the Bill had been confined to the object of supplying the deficiency of educational means in Scotland, instead of endeavouring to subvert a system which had been unquestionably successful, he would not have offered any opposition to it; but he could not accept the total subversion of a system which he believed, from all he had heard, from all he had seen, and from all he had read, had done more for the moral and religious instruction of the people of Scotland than any other system ever established in any nation of the world.

MR. HADFIELD said, that no provision having been made in the Bill for the Roman Catholics, who were one-fifth of the population of Scotland, they were virtually excluded, and that exclusion he contended was fatal to the measure. He would advise the House to allow the people of Scotland to educate themselves, and they would do it cheaper and better than it would be done under this Bill, which he thought was altogether unnecessary, and which he believed would injure the cause of education in Scotland. He should therefore give it his decided opposition.

Question put; the House *divided*:—Ayes 210; Noes 171: Majority 39.

List of the AYES.

Acton, J.
Adair, R. A. S.
Alcock, T.
Anderson, Sir J.
Antrobus, E.
Atherton, W.
Baines, rt. hon. M. T.
Baird, J.
Ball, J.
Bass, M. T.
Baxter, W. E.
Beamish, F. B.
Beaumont, W. B.
Berkeley, C. L. G.
Biggs, W.
Bonham-Carter, J.
Bouverie, hon. E. P.
Brand, hon. H.
Bright, J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Bruce, Lord E.
Buckley, Gen.
Bulkeley, Sir R. B. W.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Castlerosse, Visct.
Caulfield, Col. J. M.
Cavendish, hon. C. C.
Cheetham, J.
Clifford, H. M.
Cobden, R.
Cockburn, Sir A. J. E.
Cogan, W. H. F.
Collier, R. P.
Colvile, C. R.
Cowan, C.
Cowper, hon. W. F.
Craufurd, E. H. J.
Dalrymple, Visct.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Denison, J. E.
Dent, J. D.
De Vere, S. E.
Dillwyn, L. L.
Drumlanrig, Visct.
Duff, G. S.
Duff, J.
Duncan, Visct.
Duncan, G.
Dundas, F.
Dungarvan, Visct.
Dunlop, A. M.
Ebrington, Visct.
Elcho, Lord
Ellice, E.
Elliot, hon. J. E.
Euston, Earl of
Ewart, W.
Ewart, J. C.
Fagan, W.
Feilden, M. J.
Fenwick, H.
Fergus, J.
Ferguson, Sir R.
Ferguson, J.
Fitzgerald, J. D.
Fitzwilliam, hn. C.W.W.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Forster, C.
Forster, J.
Fortescue, C. S.
Fox, W. J.
Freestun, Col.
Gardner, R.
Gaskell, J. M.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W.
Goderich, Vict.
Goodman, Sir G.
Gordon, hon. A.
Grace, O. D. J.
Greene, J.
Gregson, S.
Grey, rt. hon. Sir G.
Grey, R. W.
Gurney, J. H.
Hall, Sir B.
Hankey, T.
Hanmer, Sir J.
Harcourt, G. G.
Hastie, Alex.
Hastie, Arch.
Headlam, T. E.
Heard, J. I.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Higgins, G. G. O.
Hindley, C.
Howard, hon. C. W. G.
Howard, Lord E.
Hughes, W. B.
Hutchins, E. J.
Hutt, W.
Ingham, R.
Jackson, W.
Jermyn, Earl
Keating, H. S.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Kirk, W.
Labouchere, rt. hon. H.
Laing, S.
Langton, H. G.
Layard, A. H.
Lee, W.
Lewis, rt. hon. Sir G. C.
Lindsay, W. S.
Locke, J.
Lowe, R.
Lushington, C. M.
Macaulay, rt. hon. T. B.
M'Cann, J.
M'Gregor, John
M'Taggart, Sir J.
Mangles, R. D.
Marjoribanks, D. C.
Martin, J.
Matheson, A.
Matheson, Sir J.
Milnes, R. M.
Milton, Visct.
Michell, W.
Moffatt, G.
Molesworth,rt.hn.SirW.
Monck, Visct.
Moncrieff, J.
Monsell, W.
Morris, D.
Mostyn, hon. T. E. M. L.
Murrough, J. P.
Norreys, Sir D. J.
North, F.
Osborne, R.
Otway, A. J.
Paget, Lord A.
Palmerston, Visct.
Patten, J. W.
Paxton, Sir J.
Pechell, Sir G. B.
Peel, Sir R.
Peel, F.
Perry, Sir T. E.
Phillimore, J. G.
Phinn, T.
Pollard-Urquhart, W.
Portman, hon. W. H. B.
Price, W. P.
Ramsden, Sir J. W.
Reed, J. H.
Ricardo, O.
Rice, E. R.
Richardson, J. J.
Roebuck, J. A.
Rushout, G.
Russell, F. C. H.
Sawle, C. B. G.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Scully, F.
Seymour, Lord
Seymour, H. D.
Seymour, W. D.
Shafto, R. D.
Shee, W.
Shelley, Sir J. V.
Smith, J. A.
Smith, J. B.
Smith, M. T.
Smith, rt. hon. R. V.
Somerville, rt.hn.SirW.
Steel, J.
Strutt, rt. hon. E.
Talbot, C. R. M.
Thompson, G.
Thornely, T.
Thornhill, W. P.
Traill, G.
Villiers, rt. hon. C. P.
Vivian, H. H.
Walmsley, Sir J.
Walter, J.
Warner, E.
Wells, W.
Whatman, J.
Whitbread, S.
Wilkinson, W. A.
Wilson, J.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.
Wyvill, M.

TELLERS.

Hayter, rt. hon. W. G.
Mulgrave, Earl of

List of the NOES.

Annesley, Earl of
Archdall, Capt. M.
Ball, E.
Baldock, E. H.
Barnes, T.
Barrow, W. H.
Bateson, T.
Bentinck, Lord H.
Bentinck, G. W. P.
Bernard, Visct.
Boldero, Col.
Bowyer, G.
Bramley-Moore, J.
Bramston, T. W.
Bruce, C. L. C.
Burroughes, H. N.
Burrowes, R.
Butt, G. M.
Campbell, Sir A. I.
Carnac, Sir J. R.
Cayley, E. S.
Cecil, Lord R.
Child, S.
Cholmondeley, Lord H.
Christopher,rt.hn.R.A.
Christy, S.
Clinton, Lord C. P.
Clive, R.
Cobbold, J. C.
Cocks, T. S.
Codrington, Sir W.
Cole, hon. H. A.
Corry, rt. hon. H. L.
Crossley, F.
Cubitt, Mr. Ald.
Dalkeith, Earl of

Davies, J. L.
Deedes, W.
Disraeli, rt. hon. B.
Dod, J. W.
Duckworth, Sir J. T. B.
Duncombe, H. A.
Duncombe, hon. O.
Dunne, Col.
East, Sir J. B.
Egerton, Sir P.
Egerton, W. T.
Egerton, E. C.
Elmley, Visct.
Emlyn, Visct.
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Fitzgerald, W. R. S.
Floyer, J.
Follett, B. S.
Forster, Sir G.
Fuller, A. E.
Galway, Visct.
George, J.
Gilpin, Col.
Goddard, A. L.
Graham, Lord M. W.
Greenall, G.
Greene, T.
Grogan, E.
Gwyn, H.
Hadfield, G.
Hale, R. B.
Hamilton, Lord C.
Hamilton, G. A.
Hamilton, J. H.
Hanbury, hon. C. S. B.
Hayes, Sir E.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Hildyard, R. C.
Hill, Lord A. E.
Hotham, Lord
Hudson, G.
Hume, W. F.
Irton, S.
Johnstone, J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Jones, D.
Kelly, Sir F.
Kendall, N.
Kerrison, Sir E. C.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Knox, hon. W. S.
Lacon, Sir E.
Langton, W. G.
Laslett, W.
Liddell, H. G.
Lindsay, hon. Col.
Lisburne, Earl of
Lockhart, A. E.
Lockhart, W.
Lovaine, Lord
Macartney, G.
Mackie, J.
MacGregor, Jas.
Mandeville, Visct.
March, Earl of
Masterman, J.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, W.
Montgomery, Sir G.
Mowbray, J. R.
Mullings, J. R.
Naas, Lord
Newark, Visct.
Newport, Visct.
North, Col.
Northcote, Sir S. H.
Oakes, J. H. P.
Ossulston, Lord
Pakenham, T. H.
Pakington, rt. hn. Sir J.
Palk, L.
Parker, R. T.
Pellatt, A.
Pennant, hon. Col.
Percy, hon. J. W.
Pilkington, J.
Portal, M.
Repton, G. W. J.
Robertson, P. F.
Rolt, P.
Scott, hon. F.
Seymer, H. K.
Sibthorp, Col.
Smijth, Sir W.
Smith, W. M.
Smollett, A.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stirling, W.
Stuart, W.
Taylor, Col.
Thesiger, Sir F.
Tollemache, J.
Tomline, G.
Tyler, Sir G.
Vance, J.
Vansittart, G. H.
Verner, Sir W.
Vernon, G. H.
Vernon, L. V.
Vivian, J. E.
Vyse, Col.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Wyndham, H.
Wynne, Lt. Col.
Yorke, hon. E. T.

TELLERS.
Baillie, H.
Blackburn, P.

Bill read 2°, and *committed* for *Thursday*, 10th May.

FRIENDLY SOCIETIES BILL.

Order for Consideration, as amended, read.

Bill *recommitted.*

MR. SCHOLEFIELD moved to leave out the last proviso of Clause 39, which was to the following effect—

> "Provided also, that no exemption from stamp duty, other than such as is contained in section 8 of the Act passed in the Session of Parliament holden in the 6th and 7th years of the reign of His Majesty King William IV., chap. 32, shall extend to any Benefit Building Society."

MR. WILSON said, it was never intended that the exemption from stamp duties should extend to building societies. It was at first represented that these societies were of great use to the poor, but they were now converted into large speculations for builders and capitalists, and the indirect effect of this exemption was, to defraud the revenue of considerable sums from year to year.

MR. ATHERTON said, he saw no necessity for this proviso, which was an exception foreign to the enactment upon which it was engrafted.

Question put, "That the words proposed to be left out stand part of the clause."

The Committee *divided:*—Ayes 37; Noes 26: Majority 11.

Clause *agreed to;* as were also the remaining clauses.

VISCOUNT EBRINGTON proposed a new clause, authorising, in consequence of the increased risk of death in the case of militiamen serving abroad, that friendly societies should be authorised to increase the periodical payments from men so serving abroad.

MR. COWPER said, he must oppose the clause. He thought that if the militiamen went to the stations abroad they were likely to live longer than if they stayed at home. At all events, the friendly societies should be left to make their own rules.

MR. SPOONER said, he agreed that friendly societies should be left to make their own rules; but Parliament had prevented that, by compelling them to retain as members men who enrolled in the militia, and who formerly, by that very circumstance, lost their right of membership.

MR. SOTHERON said, he would suggest that the clause should be postponed, in order that it might be further considered.

VISCOUNT PALMERSTON said, his

noble Friend (Viscount Ebrington) wanted to protect the societies, but he thought the militiamen were also entitled to protection. When the militia was raised by voluntary enlistment two years ago, the friendly societies had taken advantage of the words of the Act, by which they were then regulated, to strike off the men who enlisted into the militia; and a clause to prevent them so doing was inserted in a subsequent Act. His noble Friend thought the condition of the militiamen was altered by their volunteering for foreign service, but they only volunteered to do garrison duty in the Mediterranean stations, not to do duty at the seat of war or in the West Indies, and, therefore, they ran no greater risk as to life or health than if they remained at home. He hoped his noble Friend would not press the clause.

Mr. HENLEY said, he would suggest the postponement of the clause. He doubted whether the chances of health were as good in the places named by the noble Lord as at home, and he, therefore, hoped some time would be given for considering the proposal contained in this clause.

Mr. MOWBRAY said, he was aware of the case of an assurance office, which would not insure the life of a militiaman, who was liable to be called upon to serve in the tropics or at the seat of war, without his paying an additional premium. Why, then, should the same power be refused to a friendly society, which, if properly managed, should be regulated upon the same principles as an assurance office?

Clause *postponed.*

The House resumed.

The House adjourned at Two o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, April 30, 1855.

Minute.] Public Bill.—3ª Militia.

SUPPLIES TO THE SARDINIAN CONTINGENT.

The Earl of ELLENBOROUGH said, he wished to call the attention of the noble Lord at the head of the War Department to a statement that had appeared on Saturday, in a letter dated the 22nd of the month, from Genoa. That statement was to the effect that two of the largest vessels, the *Crœsus* and the *Nubia*, had been laden with provisions for the Sardinian troops, in consequence of the Commissary General in the Crimea having declared himself unable to fulfil the engagement that the Sardinian troops should be supplied with provisions by the British Commissariat. He was of opinion that, unless there was some military convention of which they had no knowledge to supply the Sardinian troops from the British Commissariat, that duty was not imposed on them. The obligation we had undertaken was, to secure and facilitate the supply of provisions to the Sardinian army; but he apprehended that such securing and facilitating the supply of provisions to the Sardinian army would be effected by giving to the Sardinian Government the use and advantage of the transports at our disposal. It was desirable that their Lordships should have information as to what steps had been taken to carry out the provisions of the convention. With regard to the alleged inability of the Commissary General in the Crimea to fulfil the condition—supposing it existed—of supplying the Sardinian troops from the British Commissariat, he could not think it possible that that could be the case. He thought it was impossible, because the convention was dated the 26th January, and of course it must have been known for a long time before that it was in contemplation; and he presumed that the Minister of War had given immediate information to the Commissary General, with directions to take care to obtain a sufficiency of provisions for the additional troops. Difficulty there was none in providing a sufficiency of food at Balaklava for the use of the troops. A single ship of 1,000 tons would convey provisions for twenty-two days for 40,000 men, and four times that amount of tonnage would so continue that supply, that the army would have always at its disposal twenty-two days' provisions, besides what was contained in its magazines. Therefore, considering the amount of tonnage at the command of the Government, he thought there could be no difficulty in complying with that requisition at Balaklava. There was no doubt that the demands on the Commissariat had largely increased since October. In that month there was probably about 30,000 rations required; and notwithstanding all the losses the army had sustained, yet, taking into consideration the large drafts that had been sent out from this country to several regiments, and the large number of additional regiments already sent out, as well as the ten regiments that were to be sent from the Mediterranean when they were relieved, and also considering that a number of men were to be provisioned by the Commissariat, who were employed and would be employed in the land transport corps, he could not but think that at present there was a demand for 40,000 rations. They would besides have a new demand in a few weeks for rations for 20,000 troops of the Turkish levy, and there was also a further demand coming upon them for 4,000 rations on account of General Beatson's corps of cavalry, and for rations for the followers necessarily attached to these troops. There would be also a new demand for rations for about 10,000 men of the reserve stationed at Malta, so that, instead of there being only a demand, as in October, for 30,000 rations, the demand could not be less than for 70,000 or 80,000 rations. Difficulty there could be none in supplying the troops near Balaklava; and in the ordinary state of the roads there would be no difficulty in carrying up to the lines a sufficiency of food to be used by the troops. 450 or 500 animals would be perfectly capable of carrying up all the rations for 40,000 men every day. As the men had hitherto been fed from hand to mouth, he presumed it was intended they would continue to be fed in the same way, and, therefore, 450 or 500 animals would be sufficient. But the case would be different when the army moved into the field. When it moved into the field 10,000 mules would be required to carry provisions, and as they required 4,000 persons to lead them and look after them, they would also require 4,000 more rations. For these 10,000 mules they would require forage, which, in a country like that, must be carried also. And the further the army went from the coast the greater number of mules would be required, to return empty and keep up the supply by bringing back to the army fresh provisions. Therefore, if the Commissary General said it would be impossible for him to supply the army in the field with provisions, that would be probably the fact, because the question of land transport would be involved in it; but the only question that had been put to the Commissary General was, whether he could supply food or not to the Sardinian troops at Balaklava; and he (the Earl of Ellenborough) thought it was impossible that he should have said he could not. When he thus referred to the great demand on the resources of the Commissariat—to which he had also referred on former occasions, but with little success—he must at the same time press upon the noble Lord the Minister of War the necessity of providing persons, without taking them from the ranks of the army, for the purpose of acting in various situations under the Commissariat, and in the various situations in which men were required to act with an army. As the army then stood, or lately stood, he learned, not only from information he had himself, but from what he had gathered from the information contained in the public journals, that 4,000 troops were detached for Commissariat purposes; and if they sustained a loss of 4,000 men in consequence of the number required for those purposes, and if they did not otherwise provide for the execution of the duty, by the extension of the force now taking place, they would be reducing to a very serious, dangerous, and painful extent, the ranks of the army, which they must again fill up; but no matter what provision they might make for that purpose, if they could not obtain men it would be impossible for them to carry on the war with success. He wished to know whether there was any convention in furtherance of the objects of the clause in the Military Convention with Sardinia for the purpose of specifying what France and England were to do with the view of securing and facilitating the provisioning and maintenance of the Sardinian troops, and whether the Commissary General in the Crimea had been applied to, to supply those troops, and had replied that he was unable to do so?

Lord PANMURE, in reply to the first question of the noble Earl, had to state that he had heard with considerable surprise what had been stated with regard to the *Crœsus*, one of the most important vessels in the transport service, and which had been intended to convey Sardinian troops to the Crimea. He did not say that the ship went to be laden with provisions, but he did expect that provisions would have been sent for the maintenance of the Sardinian troops. The understanding between the two Governments was, that, in the first instance, the Sardinian Government should send forth an army accompanied by one month's provisions for the maintenance of that army. There was no further convention between the two Governments, but there was an understanding with reference to the Sardinian army, that, to avoid contention in the market, provisions should be supplied to it from the

British Commissariat, which were to be paid for by the Sardinian Government, and the Commissariat Department of the British army had been charged to furnish magazines able to answer the demands for rations made by the Sardinian troops. What was received by those troops would be paid for, and an intimation to that effect had a considerable time ago been sent to the Commander in Chief of the British army in the Crimea. It was quite true that Mr. Filder, in the first instance, expressed some doubt as to procuring supplies; but neither Lord Raglan nor Mr. Filder had ever expressed any doubt that, with sufficient means at their disposal, they could fully and efficiently supply the necessities of the army. He was satisfied, from information which he had received by the last mail from Sir John M'Neill, who had been sent out to inquire into the efficiency of the Commissariat, that that gentleman was convinced, from the facts before him and his experience in that country, that ample supplies of meat and grain were to be found there, and that there was at this moment at the disposal of the Commissary General sufficient for the maintenance of any number of troops which it could fall to his lot to have to supply. He thought that this answered two of the questions which the noble Earl had put. With reference to the other point—namely, the increasing demand upon the Commissariat, he might state that the Commissary General of the army in the Crimea would not be called upon to supply the Turkish Contingent or the troops forming under General Beatson. Those forces would be supplied from other sources, and not from any means at Mr. Filder's command. With regard to what the noble Earl had stated respecting the large number of men detached on commissariat duty, the attention of Lord Raglan continued to be directed to the importance of reducing as much as possible the number of persons employed in administering to the wants of the army from the ranks of the army itself. The question appeared to resolve itself into this—whether, when an army was called upon to advance into the interior of a country, or was employed as the British army was at present employed in the Crimea, it was desirable to take from the ranks of the army a certain number of men to perform these services, or to add to the non-combatant ranks of the army individuals who should do that work for them, as was the case in the Indian army? No doubt there were evils in both systems. A practical soldier might say that the manner in which the service was performed in the Queen's army was attended with less inconvenience than resulted from the plan adopted in the Company's army. For himself, he thought that whenever the services of civilians could be employed they ought to be; and he was happy to state that at this moment the whole duty of the camp, which would fall naturally upon the pioneers, was entirely in the charge of civilians, and that for that purpose, therefore, no troops were detached from the ranks. Whenever the army began to move he feared that it would be necessary to continue to observe the practice which at present obtained in the British army, of course always taking care that no men should be detached from the ranks whose services were necessary in other situations. However, when the army moved, he was afraid that it would be necessary to detach men from the ranks, instead of the army being accompanied by a large number of men for the purpose of performing these duties, which might be attended with much inconvenience, and these parties might fall into the habit of plundering the country.

MILITIA (IRELAND) BILL.

Bill read 3ª (according to Order).

The Earl of WICKLOW said, he was anxious that their Lordships should give a little more attention to this measure than they had yet bestowed on it. Upon the two former occasions when it had come before the House very little had been said upon the subject, and it had been read a second time before he had had an opportunity of seeing it. Considerable interest, however, existed in Ireland with reference to it, and he had been requested to take steps with the view of rescuing Irish officers of militia from the evils to which the Bill subjected them. By the Act of *Geo III.*, to which the present Bill referred, certain property qualifications were required for militia officers in Ireland, which were much higher than those required from officers of a corresponding rank in England. He believed that very few persons in Ireland who were in the habit of signing militia commissions, and of certifying to the possession of certain qualifications by militia officers, were really aware what those qualifications were. He had been a colonel of militia so long ago as 1810, and he was ashamed to say that until he had looked into the provisions of the proposed measure he had not been aware of the qualification necessary. Their Lordships would be surprised to hear how different the qualification was in the three countries. He found, upon investigation, that the qualification for a colonel of militia in Ireland was to be in possession of 2,000*l.* a year, or to be heir apparent to 3,000*l.* a year; while in England it was to be in possession of 1,000*l.* a year, or to be heir apparent to 1,000*l.* a year; and in Scotland it was to be in possession of 600*l.* a year, or to be heir apparent to a similar amount. The qualification for a lieutenant-colonel in Ireland was to be in possession of 1,200*l.* a year, or to be heir apparent to 1,800*l.*; while in England and Scotland it was respectively to be in possession of, or to be heir apparent to, 600*l.* and 400*l.* a year. The qualification for a major in England was 400*l.*, or heir apparent to the same; in Scotland, 300*l.* a year, or heir apparent to the same; in Ireland 300*l.* a year, or heir apparent to 600*l.* The qualification in England for a captain was 200*l.*, or heir apparent for the same; in Scotland, 200*l.* a year, or heir apparent for the same; in Ireland, 200*l.* a year, or heir apparent to 400*l.* a year. The same discrepancy was observable throughout the inferior grades of the service, and he was at a loss to understand upon what grounds it was that militia officers in Ireland should be required to possess so much higher qualifications than were required in the case of English and Scotch officers of the same rank. He proposed that the qualification should be the same as in England and Scotland; for he was convinced that unless a provision of that kind were introduced, the consequences would be very disagreeable. He had no objection to their making any regulations with regard to those officers who might be newly appointed, but he was most anxious that the rights of those whose appointments were not of recent date should be preserved. Many officers had been put to an enormous expense in order to render themselves available for immediate duty, and he thought it was extremely hard that those officers who had shown such laudable zeal for the service of their country should now be called upon to lodge a qualification which be believed a large proportion of them would be unable to do. There was another arrangement which, in his opinion, was very objectionable. Many officers of the Irish militia who had now joined their regiments were of old standing, and had served during the last war, or between that period and the present year. Their Lordships were aware that in consequence of the great distress which had prevailed in Ireland a vast change of property had taken place under the Encumbered Estates Act, and he himself knew captains, and, he believed, field officers, in the militia, who, at the time they obtained their commissions, were perfectly qualified under the Act, but who, in consequence of having been obliged, through the pressure of the times, to part with the whole or a large portion of their property, would not be qualified. He begged to propose two amendments—the first with a view to reduce the qualification of officers in the Irish militia to the same amount as that of officers in the English and Scotch militia; and the second, to enable any officer who was qualified under the Act to make a return of the qualification which he possessed at the time he received his appointment.

Lord PANMURE said, that from the speech of the noble Earl one would suppose that the principle of the Bill was to impose pains and penalties upon officers of the Irish militia, whereas it was of a protective character, and there was nothing whatever in its provision to alter the qualification of officers on their admission to a regiment, or the penalties to which officers were liable who obtained appointments without being duly qualified. When the Irish militia was embodied it was found that during the time it had existed in its disembodied state, officers had been appointed without reference to any consideration of qualification, and that they had entirely overlooked the provisions of the law, which required them to register their qualification at the time they took up their commissions. The object of the present act was to protect the officers from the penalties which such an oversight had subjected them to. He did not believe that more than one case of prosecution had been or would be instituted against any officer, but it was absolutely necessary to protect them from those penalties to which they had subjected themselves, and it was proposed to do that by giving them three months in which to register their qualification. It was not proposed to alter the qualification itself. He was free to admit, however, that the difference in the qualification in Ireland, and in England and Scotland, seemed to him to stand upon no substantial ground, and, if their Lordships did not see any objection in point of law, he did not see any objection in point of principle to put the three countries upon exactly the same footing. That, however, might be done by another Bill, the principle of the present measure being merely to give the officers protection against the penalties consequent upon their having omitted the requirements of the law as it stood.

Amendments made; Bill *passed*, and sent to the Commons.

TRANSPORT OF TROOPS—THE "ALMA."

THE MARQUESS OF **SALISBURY** rose to put a question to the Secretary for War, of which he had given notice, relative to the embarkation of troops on board of the *Alma*. The statements which had been current respecting this vessel and the troops which were to go in her, required some explanation. Their Lordships might have seen in the papers a statement to the effect that on Monday the 2nd April an order was issued for a detachment of the Guards to embark on the following Wednesday, at Liverpool, on board the *Alma*; that on Tuesday the 3rd a counter-order was issued that they were to embark on Good Friday at Portsmouth; and that several orders and counter-orders were issued subsequently. It was stated that the first delay was in consequence of the ship not being able to receive the troops; for when they arrived at the place named for embarkation, they found that she was full of other troops. It was said that detachments of other regiments and some companies of Highlanders were landed from the vessel; but still there was not room for the Guards, and the greatest difficulty was experienced in getting the baggage on board, and some of the baggage of the Guards was reported to have sailed in the ship, while the Guards themselves were left behind. From the information which he had received, he believed that the first order for the Guards was received on the 7th of April to march on the 9th. On the 8th, between seven and eight o'clock at night, a counter-order was received, and in consequence the march ordered for the 9th was suspended. On the 9th there was a new order, and this was suspended on the 10th, at nine o'clock in the evening. On the 11th, they were ordered at nine o'clock in the evening to march on the next day. When they arrived at Portsmouth they found that nothing had been prepared for them, and they were kept there without rations till six o'clock in the evening. All that had taken place in the House of Commons on the subject was an attempt to shift the responsibility from one to the other of the departments. He desired to hear from the Secretary for War on whom the blame of all this vacillation and great want of ordinary precaution should fall. This he regretted was not a solitary instance of remissness and mal-administration. There was another matter bearing on this question, the neglect in respect to which might lead to very serious consequences. These troops were embarked in their old clothing, without any sufficient provision for the summer months, and without the new clothing, which at this season should be supplied to them. They were also sent with the old regimental musket, and without that invaluable and indispensable arm, the Minié rifle. All this showed great neglect on the part of the officials whose duty it was to look to these matters. He, therefore, wished to ask the noble Lord whether these statements were correct; and, if so, what possible defence there could be, after the vast efforts made by the country to provide sufficient means to equip the army, for allowing these things to occur?

LORD **PANMURE** thought their Lordships had, in the present instance, a very good proof that questions might be put and statements made to which it was impossible to give an answer on the spur of the moment, but by which very erroneous and false impressions might be created on the minds of the public with respect to the conduct of the public departments. The notice of the noble Marquess on the paper was "to put a question to Her Majesty's Government with regard to the embarkation of troops on board the *Alma* for the East." It was quite impossible for him (Lord Panmure) to know, from the terms of this notice, that the noble Marquess was about to enter into details of which to that moment he (Lord Panmure) had never even heard. The noble Marquess had said that great delay and hesitation had occurred with regard to the embarkation of the troops on board the *Alma* in consequence of the different orders that were issued. The only order that he knew of, with regard to the delay in the embarkation of those troops, was one to suspend the first order; and the reason for issuing that was, that the ship *Alma* had left Liverpool without having gone through the forms of attestation as to her efficiency for carrying such a number of troops. The noble Marquess had further said that, when the Guards arrived at Portsmouth, they were detained and kept without rations until they were put on board the *Alma.* He (Lord Panmure) had never heard any statement to that effect, either from the officers of the Guards or from any military department. But he must say that, after the orders for the embarkation of the troops had been given, whatever delay might have taken place in the embarkation of those troops must be referred to the Quartermaster General's department. In respect to the description of arms with which the troops had been supplied, he certainly never had heard whether there was any ground or not for the report that had been made. He could not, however, believe it possible that it could be true that any detachment of Her Majesty's troops had left this country armed with the old musket. The noble Marquess knew something of military affairs, and he ought to know, and must know, that the whole army now serving in the Crimea had been provided with rifle arms. With regard to the clothing of the detachment of the Guards, he believed they were embarked with a suit of clothing which had been for some time worn; but the Guards were supplied with two suits, and it was the old suit in which they embarked, the second suit having to be supplied to them, and which was not supplied to the regimental troops.

The Earl of HARDWICKE said, the noble Lord had not answered the question put to him—whether the *Alma* was full of other troops, and that it was necessary to disembark some of the troops to put the Guards in, and whether some of the Guards' baggage had not been sent on while the men were left behind?

Lord PANMURE said, it was not true that the *Alma* was full of troops. There was a detachment of troops on board, which was to accompany the Guards in the *Alma,* but the ship was not full. The reasons why the Guards were not embarked were sanitary reasons.

Lord WYNFORD could scarcely reconcile the statements which had been made on the other side, because the *Alma* was lying in the middle of the harbour for several days. How was it that she was waiting so long? Was it for a certificate from Liverpool to enable her to carry these troops? As to the second part of the question, he was aware that a very large portion of troops was put on board, and he himself saw the 50th Regiment disembark. They were in the greatest confusion because they could not get their baggage from the ship. Happening to be on the spot, he was practically convinced that there had been some very great mismanagement as to the arrangements for embarking these troops.

The Duke of CAMBRIDGE was very sorry to say that he thought the statements made by his noble Friend near him (the Marquess of Salisbury) were correct. He believed it was true that the Guards left this country with smooth-bore arms, and the only way he could explain that was, that the men would, on arriving at Constantinople or at Balaklava, receive the arms there in store, which he believed were the Minié rifle; but virtually the men had left this country for the seat of war without receiving the Minié rifle. With regard to the embarkation of the troops, he certainly thought it was most unfortunate to all concerned, but particularly to the troops, who would experience many discomforts. As regarded his own regiment, he understood that a large quantity of clothing, consisting of 800 pairs of shoes, and 500 pairs of trousers, had been sent down to be shipped with the men, but when the clothing arrived no room could be found in the ship, and consequently it was left upon the beach. He wished to remind his noble Friend (Lord Panmure) that this was not a desirable thing, as shoes were in time of war a most important article, and he understood a month would elapse before they could be sent out to the men. He had thought it right to bring his noble Friend's attention to these matters. He could not help thinking that very great mismanagement had, with regard to the embarkation of these troops, occurred.

Lord PANMURE was very glad this subject had been discussed, for the more all these matters were brought before their Lordships and the public, the better chance would the heads of the departments have of hearing of them. With reference to the clothing, he was perfectly well aware that a certain quantity was sent down to Southampton, but left behind, and he had had to express his opinion of the conduct of those who were engaged in the transaction. He believed, however, that the clothing would arrive at the Crimea very shortly after the troops reached there. He had heard that the *Alma* had arrived at, and had left, Malta, and that, so far as the troops were concerned, they arrived there with the loss of only two men out of 1,058; all the rest were safe and in good health.

THE MARQUESS OF SALISBURY said, that perhaps the noble Lord would allow him to put his questions again on Thursday next.

THE WAR—STATE OF THE NEGOTIATIONS.

THE EARL OF DERBY: If I knew to which Member of the Government to address myself, I should be glad of an opportunity of putting a question of considerable importance, inasmuch as we have arrived at a period in this eventful struggle when it is essential that Her Majesty's Government should lay before Parliament and the country the fullest information as to the existing state of affairs. We have forborne, for a long period, to put any question to the Government which might, in the slightest degree, have embarrassed them during the late negotiations; but, inasmuch as we have been given to understand that these negotiations at Vienna have altogether terminated—that all hopes of peace are now at an end—and that Her Majesty's Plenipotentiary has returned to this country—we certainly did expect that the Government would have felt it their duty, without question from any noble Lord on this side of the House, to make a statement in both Houses of the actual state of affairs—the nature of the propositions which have been made, and the nature of the replies given to them—the result of the propositions, and why they were refused. I do not see the noble Earl (the Earl of Clarendon) in his place.

THE MARQUESS OF LANSDOWNE: My noble Friend has been summoned within the last quarter of an hour to attend Her Majesty.

THE EARL OF DERBY: I wish to ask whether it is the intention of the Government to make a statement of the present posture of affairs and of the negotiations which have taken place—of the statements which have been made, and the language held both by the Allied Powers and by Austria, as well as the character of the answers given by Russia. I wish to ask whether it is the intention of the Government to lay before both Houses the various protocols, and whether, in short, we shall have a statement of the views of the Government as to our present national position in the very critical state of foreign affairs, and the threatening aspect of the peace of the world?

THE MARQUESS OF LANSDOWNE: My noble Friend, the Secretary for Foreign Affairs, has been in the House until within the last five minutes, when he was sent for to attend Her Majesty, and he is now in attendance upon Her Majesty. Had he been here, he would, my Lords, have been prepared to give an answer to the questions which have been put by the noble Earl opposite; but I may say that it is the intention of the Government, at the earliest possible period, to lay a full account of what has taken place before Parliament. No doubt a full account will be given, though I am not prepared to state the exact day; but perhaps to-morrow my noble Friend will be able to name a day.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, April 30, 1855.

MINUTES.] NEW MEMBER SWORN—For London, The Right Hon. Lord John Russell.
PUBLIC BILLS.—1° Cinque Ports; Militia.
2° Registration of Births, &c. (Scotland); Parliamentary Representation (Scotland) Act Amendment.

TELEGRAPHIC NEWS FROM THE CRIMEA —QUESTION.

MR. WARNER: Sir, as the First Lord of the Treasury is not in his place, I beg to ask the First Lord of the Admiralty whether telegraphic communication has been established between the Crimea and any part of the Turkish coast and its principalities; and, if so, what is the date of the latest despatch received from the seat of war? I wish also to ask another question, which I hope will be answered to-night—namely, whether any communication has been received from any source whatever relating to the raising of the siege of Sebastopol?

SIR CHARLES WOOD: Sir, in answer to the questions of the hon. Gentleman, I beg to say that the telegraph is, we believe, complete, except across the Danube. I stated to the House, a few evenings ago, that the telegraph had been laid across from the Crimea to the Turkish coast. I believe now that it is complete from the Turkish coast to Rustchuk, and on the other side from Giurgevo to Bucharest. I do not know, however, whether it has yet been laid across the Danube. The last despatch received from the seat of war was received to-day from Lord Raglan, and is dated yesterday. There was no news whatever of any kind as to the raising of the siege of Sebastopol, in which, indeed, I do not believe. There is no communication whatever upon that subject further than a statement of the temporary discontinuance of the fire upon Sebastopol.

Mr. GROGAN said, he would beg to ask, if it was the intention of the Government to communicate to the House any news which might be received upon a subject in which the public were so deeply interested?

Sir CHARLES WOOD: Anything will be communicated which is of sufficient interest to render it desirable. I was about to say, that when a telegraphic despatch mentioned anything of sufficient interest to render it necessary, desirable, or interesting, to communicate it to the House, I have not the slightest doubt my noble Friend at the head of the Government would do so. After the contemptuous cheer of the hon. Gentleman opposite, I have no objection to state the whole purport of the despatch received to-day. Lord Raglan acknowledges the receipt of a despatch from Lord Panmure, and asks when the Sardinian contingent is to sail.

PAPER MANUFACTORY AT WOOLWICH —QUESTION.

Sir JOSEPH PAXTON said, he begged to ask the hon. Gentleman the Clerk to the Ordnance, whether it is contemplated by the Board of Ordnance to erect a paper manufactory at Woolwich, and for what purpose such an expenditure of the public money is proposed?

Mr. MONSELL said, it was the intention of the Board of Ordnance to erect a paper manufactory at Woolwich. Hon. Gentlemen were aware that it had been always the custom to make up cartridges at Woolwich of paper which was cut in the Royal Laboratory, and twisted there by boys. It had been thought, on account of certain inequalities in the size of the paper, that the accuracy of aim with the Minie rifle had been disturbed, and at the same time the Board of Ordnance heard of the invention of Mr. Pirie, of Aberdeen, relating to the manufacture of seamless cartridges from pulp. By means of this machinery, seamless cartridges could be made with great exactness at a much less cost than the seamed cartridges formerly made, and therefore it was determined to introduce that machinery at Woolwich. Hon. Gentlemen might ask why the inventor of that machinery could not have supplied the cartridges without Government erecting the factory. It was absolutely necessary to prevent the cartridges from being crushed in the process of their transmission to the place where they were to be filled with powder, and therefore the expense of carriage from Aberdeen would have been considerably more during the year than the whole expense of the machinery.

INCOME TAX ON CIVIL SERVANTS— QUESTION.

Mr. MACARTNEY said, he wished to ask the Chancellor of the Exchequer, if it was his intention to make any exception with respect to the income tax chargeable upon the salaries of the civil servants, who are subjected to a charge of 5 per cent in addition to the present income tax (nearly 6 per cent), making together about 11 per centum levied on their limited incomes; also, whether he was prepared to state on what day he will lay on the table of the House the proposed Bill for altering and amending the law respecting the Civil Service Superannuation Fund?

The CHANCELLOR of the EXCHEQUER said, the income tax included persons holding public offices, employments, and profits under the Crown; also persons holding offices paid from local rates, or under municipal bodies, as well as officers in the navy and army. Besides these, there were the civil servants of the Crown, whose salaries were subject to annual deductions on account of the Superannuation Fund. Those appointed since the Superannuation Act passed were not subject to the income tax. With respect to those who had taken office subsequent to the passing of that Act, Government were not prepared to make any exemption, inasmuch as if they did so they would soon find it necessary, on the ground of equity, to extend a similar exemption to other classes of public officers under schedule B. With respect to the latter part of the question, the subject was under consideration, but he was not prepared to lay on the table any measure regarding it.

SALARIES OF COUNTY COURT JUDGES—QUESTION.

MR. LOWE said, he was desirous of putting a question to his hon. Friend the Secretary to the Treasury, but before doing so he wished to state a fact in order to render the question intelligible. By Act of Parliament the salaries of County Court Judges must be, at least, 1,200*l.* a year, and a power was given to raise them to 1,500*l.* in certain cases. Under this Act several of the Judges were receiving 1,500*l.* a year, others 1,300*l.*, and others 1,200*l.* a year. He wished to ask his hon. Friend if the Government had any intention of taking steps to equalise the salaries paid?

MR. WILSON said, the question alluded to by his hon. Friend had, for the last two years, received great attention on the part of Government, and after the most careful consideration Government last year thought themselves justified, considering the great duties performed by some of the Judges, in raising their salaries to the highest point allowed by the Act of Parliament. In supplying these increased salaries, the whole of the funds placed at the disposal of Government had been exhausted. Applications had been received from other Judges for an increase, but he saw no reason for complying with their request, and even if there was one, there were no funds which might be made available.

THE VIENNA CONFERENCES.

MR. DISRAELI: Sir, seeing the noble Lord the Secretary for the Colonial Department once more among us, I take the liberty of inquiring whether it is the intention of the noble Lord to lay any papers upon the table with respect to his late mission, or to make any statement to the House with regard to it, and, if so, when? And whether it is his intention, by any other means, to afford the House any information as to the proceedings of the last two months at Vienna? I should be glad to hear from the Government what their intentions are on this subject.

VISCOUNT PALMERSTON: Sir, before my noble Friend replies to the question, I wish to correct an answer I gave to the hon. Member for Manchester (Mr. Bright) the other evening in reply to his question whether the Russian Plenipotentiaries had made any counter proposals to the Conference after the rejection of the proposals made by the English and French Plenipotentiaries. I then answered from a telegraphic message, and such messages, the House is aware, are generally rather short; but from despatches subsequently received, it appears that counter proposals were made by the Russian Plenipotentiaries: those counter proposals, however, were not deemed either by the British, the French, the Austrian, or the Turkish Plenipotentiaries, as calculated to produce a satisfactory conclusion of the question in dispute.

LORD JOHN RUSSELL: In reply, Sir, to the questions which have been put to me by the right hon. Gentleman (Mr. Disraeli), I have to state, in the first place, that I do not think it is for me to decide what papers shall be laid upon the table of the House. I may say, however, that I believe Her Majesty's Government intend very shortly to lay upon the table the protocols of the conferences which have taken place at Vienna. Those protocols will convey to the House information of the substance of the negotiations that have taken place. Perhaps I may say a few words more, without intending to go into any detail as to the negotiations. The first meeting of the Conference was on the 15th of March. The negotiations with respect to the first two of the four points with which the House is acquainted lasted until the 26th of that month. On the 26th of March the third point came under consideration. It was suggested by the Plenipotentiaries of Austria that the Plenipotentiaries of Russia should themselves make a proposal calculated to satisfy the demands of Russia and the exigencies of the case. The Plenipotentiaries of Russia replied that they had no instructions to do so, but they asked for time to refer to their Government. The consequence was that the Conference was then adjourned, and that no meeting for the transaction of business took place until the answer was received from St. Petersburg. On the 17th of April another conference was held, when the Plenipotentiaries of Russia informed the Conference that they had received instructions from their Government not to take the initiative of any propositions, but that they were ready to hear and discuss any proposal which might be submitted to the Conference. The Representatives of the allied Powers then requested forty-eight hours to consider the form in which they should make their proposal, and on the 19th of April the Plenipotentiaries of France and of Great Britain, supported by the Plenipotentiaries of Austria, laid their proposition before the Conference. The Russian Plenipotentiaries, on their side, asked for forty-eight hours in order to prepare their answer to this proposition. Accordingly, on the 21st they gave their answer, totally rejecting the propositions which had been made to the Conference. They stated to us, however, that they had propositions to make on the part of their Government, which they conceived would be in accordance with the demand that Turkey should be united more closely with the maintenance of the balance of power in Europe, and that some restriction should be placed upon the preponderance of Russia in the Black Sea. The Plenipotentiaries of Austria, France, and Great Britain found those proposals of Russia entirely unacceptable, and refused to consider them in detail. The Plenipotentiary of Austria then said that, although these propositions had been rejected, he trusted that all the means of reconciling the belligerent parties by peace were not yet exhausted. To this the Plenipotentiaries of France and of Great Britain replied that their instructions were exhausted, and that they had no powers to consider any further propositions. I then considered that the best way of performing my duty would be to repair to my own Government, and to lay before them the whole state of the case with respect to the negotiations at Vienna, and the manner in which the conferences had been suspended. Two or three days afterwards the Minister of Foreign Affairs of France, having requested the orders of the Emperor, came to a similar determination. I believe he was expected to arrive in Paris last night, and I have no doubt he will lay before his Government his account of the occurrences that have taken place in the course of these negotiations.

Mr. DISRAELI: I wish, Sir, to inquire whether, before the protocols of the conference are laid upon the table—and I trust they will be produced with all possible despatch—Her Majesty's Government have any objection to give us some preliminary papers—for instance, despatches of our Ambassador or Plenipotentiary at Vienna, which will afford us an authentic and official description of what the four points are? The noble Lord will perhaps recollect that at the present moment we have not the four points on the table of the House in an official form. I think, therefore, it would be very much for the convenience of the House if, without loss of time, we were put in possession of these preliminary papers, so that, before the protocols of the conferences are in our hands, we may clearly understand what were the *data* and the bases upon which those conferences took place, and why they were brought to an end.

Viscount PALMERSTON: I think, Sir, the protocols themselves will pretty clearly explain what the four points were, but if the protocols do not afford sufficient information there can be no objection to laying some paper on the table that will give the requisite explanation. With regard to papers belonging to the long course of negotiation that preceded the conferences, I think there might be great objection to their production; but I will take care that the House shall be in full possession of a knowledge of the four points that were brought under the consideration of the conferences.

Mr. DISRAELI: I am afraid, Sir, I did not make my question sufficiently clear to the noble Lord. I have no doubt that when the protocols are in our possession we shall clearly understand the nature of the four points; but, as the Government have only given a vague promise to produce the protocols, and have not fixed any time when they will be placed on the table, what I wished to know was, whether the noble Lord would have any objection to afford the House at once some authentic knowledge of what the four points of which we have heard so much consist? I should not, of course, press the Government for any private despatches; but if they would lay upon the table the single despatch in which the nature of the four points was communicated to Her Majesty's Government, so that the House may at once be placed in possession of that information, I think such a course would be highly satisfactory to hon. Members generally, and could not be attended with any inconvenience to Her Majesty's service.

Viscount PALMERSTON: Whatever papers can be produced will be laid before the House as soon as possible, and I do not think their production will be delayed so long as the right hon. Gentleman supposes.

Mr. DISRAELI: I wish only for complete and satisfactory information. The noble Lord repeats that he will lay before the House as soon as possible the protocols of the conferences, but does he mean at the same time to produce the correspondence which took place between our Plenipotentiaries at Vienna and Her Majesty's Government in pursuance of the treaty of December 2, which in fact led to these conferences? That is the information the House would be desirous of having.

VISCOUNT PALMERSTON: I cannot at present say what papers beyond the protocols will be laid upon the table, but the Government will consider the subject.

MR. T. DUNCOMBE said, he understood news had been received from Vienna that negotiations had been opened between Russia and some of the gentlemen or Ambassadors who had been left behind by the Plenipotentiaries. He wished to ask whether any negotiations of any sort or kind had been resumed at Vienna since the departure of the noble Lord opposite?

VISCOUNT PALMERSTON: Since my noble Friend left Vienna, some proposals have been made by Russia which were not deemed likely by any of the representatives of the other Powers to lead to satisfactory results.

MR. BASS said, he wished to inquire what part Turkey had taken in the conferences?

LORD JOHN RUSSELL: I cannot go into details, but the Turkish Plenipotentiaries were of the same mind as the Plenipotentiaries of Great Britain, France, and Austria.

Subject dropped.

LOAN BILL.

On the Order of the Day for considering the Bill as amended,

SIR FITZROY KELLY said, that in reference to the clause which provides for the repayment of the loan by annual sums of 1,000,000*l.* he doubted if the advocates of the measure themselves really and conscientiously believed that the promise they asked the House to give would be adhered to by succeeding Parliaments. It had been well pointed out by the right hon. Member for the University of Cambridge (Mr. Goulburn) the other night, that Parliament gave a pledge for the repayment of a loan at the rate of 5,000,000*l.* per annum; and that so far from that legislative promise being observed, a very short time afterwards the 5,000,000*l.* was reduced to 3,000,000*l.* and ultimately at no distant date the payment was altogether abandoned. Considering, then, that such had been the course in that instance—and he thought he might say the invariable course, whenever a pledge of this nature had been given in an Act of Parliment—surely the House might reasonably doubt whether in this instance such a pledge would be redeemed, and whether it would be found practicable, and if practicable politic, to pay this large sum of 1,000,000*l.* a year for the term of sixteen years after peace should be restored. He ventured, therefore, to ask the Government, upon what grounds they entertained the hope that the Minister and Parliament of 1860 or 1865 would be more ready to adhere to the pledges of their predecessors than were the Minister and Parliament of 1815 or 1820? He submitted that it was at once unjust and impolitic, and had a tendency to bring the House and the Government into discredit with the country, to hold out, in the form of a legislative enactment, a pledge to the people which they knew at the time they gave it could not reasonably be performed. And if it were not probable that the promise contained in the clause would be redeemed by future Ministers and Parliaments, then the introduction of such a clause was unnecessary, and was neither more nor less than a delusion and a snare. The pledge was not made conditional on the circumstances of the country, or the state of its finances. It was absolute in its character. Now, supposing that we should have, as in 1848–49, famine in Ireland, and a revolution in France, followed by commercial distress and convulsion, would the Ministers of the Crown be warranted, in such circumstances, in calling upon Parliament to adhere to this pledge? Most certainly not. Then, why should such a plege be imposed? The proper course for the Minister to pursue was to apply the surplus revenues of the State in times of peace and prosperity to the gradual reduction and ultimate extinction of the debt. That was the course which had been taken by the right hon. Gentleman's predecessors in office, and especially by the right hon. Member for the University of Cambridge, and it was the only rational course. Seeing, then, that the principle now sought to be introduced into the Bill had never been successful in practice, and that even if it admitted of practical application it was vicious and impolitic, he begged to move that the clause be expunged from the Bill.

Amendment proposed, in page 9, line 9, to leave out from the word "respectively," to the word "if," in line 39.

THE CHANCELLOR OF THE EXCHEQUER said, he had explained, in former stages of the Bill, the grounds on which this clause was proposed by Her Majesty's Government. When called on to effect a loan for 16,000,000*l.*, they thought it right that it should not remain as a charge on the nation in perpetuity, but felt themselves bound to make it on such terms as they believed would secure the probability of its extinction. It was generally admitted by those best acquainted with the condition of the money market that any attempt to borrow 16,000,000*l.* on terminable annuities would have resulted in failure; and as an unsuccessful attempt on the part of the Government to effect a loan would have put them in a worse position for making a subsequent loan on more favourable terms than they would have been had they made no such attempt, they abandoned the idea of having exclusive recourse to a system of terminable annuities. There were two alternatives before the Government: one was, to borrow 14,000,000*l.* on perpetual annuities, and to repay in annual sums in successive years; the other was that of borrowing on a permanent stock, rendering it incumbent on the Government to repay the sum at certain times. It would have been possible to borrow on a stock of thirty years' duration; but then it would have been necessary at the end of those thirty years, that the Government should be prepared, either out of savings previously made or by other means, to raise a sum of 14,000,000*l.*, applicable to the extinction of debt at that particular period. All the experience of former years negatived the probability that any future Parliament would make a provision for so large a sum as 14,000,000*l.* for the extinction of the debt at a given time, or raise so large a sum, even in time of peace, without recurring to a new loan. Therefore it was thought preferable to borrow in perpetual annuities, making it incumbent on the Government at the return of peace to set aside an annual sinking fund of 1,000,000*l.* sterling for the extinction of that debt. The hon. and learned Gentleman (Sir F. Kelly) said, that the Government in doing so were practising a delusion on the House, for they could not expect that so large a portion of the public revenue would be set aside by a future Parliament for that purpose. With the view of trying how far that criticism was or was not well founded, he would call attention to the operation of provisions made in former times for the extinction of the debt. Mr. Pitt's celebrated Act of 1786 enacted that 1,000,000*l.* should be expended annually in the purchase of stock, until the stock so purchased by the Commissioners should produce an interest of 4,000,000*l.*, to be applied to the redemption of the debt. That Act was certainly not observed during the years of war, and in 1823 another Act was passed charging the Consolidated Fund with 5,000,000*l.* annually, to be applied to the redemption of the debt. This was a positive charge on the Consolidated Fund, similar to the one created by the present Bill, and only differing in the amount. That Act remained in force until 1828, and in 1829 another Act was passed substituting the sum of 3,000,000*l.* for the former sum of 5,000,000*l.*, to be applied not only to the redemption of the funded debt, but also of the unfunded debt. The surplus so created might also be employed in the payment of deficiency bills, so that what was now called a sinking fund might then be applied to the purpose of the current expenditure. Under the operation of these several Acts, the reduction of the national debt during the six years from 1816 to 1822 only amounted to 8,000,000*l.*; but in the six years from 1822 to 1828, when the Act for the application of 5,000,000*l.* annually came into operation, the amount of the reduction of the national debt was 36,000,000*l.*, being the largest sum ever paid off in a similar period. With respect to the operation effected at the time when the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) was Chancellor of the Exchequer, that was a reduction of the interest of a portion of the debt—namely, the three and a half per cents. That operation was undoubtedly most advantageous to the public service; but he was not aware that any reduction of the debt by the application of an annual surplus took place during the period when the right hon. Gentleman was Chancellor of the Exchequer. On the grounds he had explained, it had been thought expedient to introduce the present clause into the Bill. He was willing to admit that, if any extraordinary circumstances of pressure should occur during the years when that clause should come into operation, it might be necessary for a future Parliament to suspend its operation, and to allow the whole income to be applied to the current services of the year; but he wished to call attention to the circumstance, that when the Long Annuities terminated in 1860 and the dead weight ceased, there would be a sum of 2,000,000*l.* annually available for the redemption of the debt. He thought, therefore, that

MR. LABOUCHERE said, that if the question went to a division he should feel it his duty to vote with the hon. and learned Gentleman opposite; but he so much wished that the financial scheme of the Government, which he approved as a whole, should pass without a division that he hoped the Chancellor of the Exchequer would consider whether it was worth while to disturb the unanimity of the House by pressing this clause. There was no characteristic of that House which more honourably distinguished it—none which it was of more importance to preserve unsullied—than its strict adherence to the pledges it gave to the public creditor. He therefore saw with regret the House invited to give—he would not say a pledge, but a sort of assurance, which might be differently construed by different persons, and which might lead a future Parliament, for fear they should be charged with a breach of public faith, to do that which they might not consider expedient at the time, or to incur some degree of odium by refusing to carry out the object of the clause, and vote 1,000,000*l.* annually for the reduction of the debt. The whole question had been so ably argued by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) that he would not waste the time of the House by attempting to repeat his statements; but he would again express a hope that the Chancellor of the Exchequer, seeing that the feeling of the House was against his clause, might consent to withdraw it from the Bill.

MR. T. BARING said, he rose to express quite a contrary opinion from that of the right hon. Gentleman who had last addressed them. When a clause was brought forward which bore upon it the stamp of honesty, and which was proposed by the Government in the performance of their duty to the country, he trusted they would be bold enough to stand by it in the face of all opposition. The House had been told that the question had been admirably argued by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone). He should say, pitting argument against arugment, that the argument of the right hon. Member for Oxfordshire was an answer to that of the right hon. Member for the University. Now, when it was considered that these 16,000,000*l.* were to be added to and amalgamated with some 600,000,000*l.* of previously existing Consols, it would be seen that the increased value of the new loan in consequence of this clause could not be so considerable as the right hon. Gentleman (Mr. Henley) imagined. The right hon. Gentleman the Member for the University, on the other hand, said that if there were a surplus revenue the clause would be valueless, while, if there were none, the deficiency that would exist would have to be met from borrowed money. Now, the clause went to this extent, that in the annual Ways and Means a sum should be voted to discharge this 1,000,000*l.* per annum until the whole 16,000,000*l.* was repaid. The right hon. Member for Taunton (Mr. Labouchere) said that he would rather promise nothing, because it would be wrong to fetter the action of a future Parliament. Was it not the bounden duty of Government to promise that posterity, if possible, would reduce the national debt? The right hon. Gentleman said, in effect, "We may be perfectly honest ourselves, but our successors may not be so." That was a wrong sentiment to pronounce. It was tantamount to saying to futurity, "We never expect you to reduce the national debt." The clause had been brought forward with statesmanlike views, and it would be disgraceful to the country if they were to say, "We will not be sponsors for those who are to follow us, because we are not sure that they will be as honest as ourselves." Perhaps peace was not so far off as some of them feared, and he hoped, with the right hon. Member for the University of Oxford, that those who voted for the adoption of this clause would stand by their vote and support a reduction of the debt. The right hon. Gentleman had evidently an intention to swell the number of those who opposed the clause when he said that at some future period, when they were asked to vote the 1,000,000*l.* annually, they would have their constituencies against them, and would find it impossible to resist the cry for a reduction of taxation. All that the present Parliament could do was to walk in the path of honesty. They might be forced by an unforeseen pressure to deviate from their vote of that evening. It was impossible to guard against such a contingency; but do not let them anticipate the evil day, and, by throwing out this clause, tell those who were to follow them that they would only do what was expected of them when they refused to vote a farthing for the reduction of the debt. He hoped the right hon. Gentleman the Chancellor of the Exchequer would press the clause to a division, so that he might ascertain who were in favour of and who were against a wise and gradual reduction of the debt.

Mr. J. L. RICARDO said, that if the doctrines of the hon. Gentleman who had just resumed his seat were to be generally received in financial matters the sum of 1,000,000*l.* a year would seem to be a very small amount to vote for the reduction of the debt. The right hon. Member for the University of Oxford (Mr. Gladstone) did not object to a sinking fund for the redemption of the national debt. He did not object to the diminution of that debt when their means would enable them to reduce it; but what he said was, that they ought not to pledge themselves at a certain period to make a reduction of the debt when they did not know whether they should have the means in their hands for making that reduction. The hon. Member for Huntingdon (Mr. T. Baring) said they were sure to have the means, because the vote of 1,000,000*l.* would be included in the Ways and Means. But supposing such an arrangement had been made ten years ago, and they had been obliged this year to vote 1,000,000*l.* for the repayment of part of the national debt, what would be their present position? They would actually be borrowing money at something like 87¾ in order to pay off a portion of the debt at par. That appeared to him to be an erroneous financial system; and he would take this opportunity of saying that when he heard hon. Members talk of how desirable it would be to raise the loan by means of terminable annuities, he did not understand that principle of finance which established a forced sinking fund—for terminable annuities were nothing but a forced sinking fund—and required a certain portion of the debt to be paid off annually at par, whether or not they had means at their disposal, or even, in fact, whether they were obliged to borrow money at a high rate of interest. He hoped that the right hon. Gentleman the Chancellor of the Exchequer, who did not himself seem to be deeply fixed in his resolution to carry this clause, would not press it to a division, seeing that there was a very strong feeling against it.

The CHANCELLOR of the EXCHEQUER said, the hon. Gentleman had not correctly represented his feeling in the matter.

Mr. J. L. RICARDO said, he certainly understood the right hon. Gentleman not to have made up his mind as to the necessity of inserting the clause, and still hoped he would not press it to a division.

Mr. WILSON said, that if there had been one opinion expressed more strongly and decidedly than another by hon. Members on both sides of the House, it had been that loans should be created in the form of terminable annuities. Now, the principle of terminable annuities was analogous to that embodied in the clause before the House. It was quite clear that the setting apart of a certain sum of money annually for the repayment of the loan would have the same effect as if the loan had been created in terminable annuities. The right hon. Gentleman the Member for the University of Oxford said that, in the event of there being no surplus, and the Chancellor of the Exchequer being obliged to apply 1,000,000*l.* to the liquidation of stock, the money might return into the expenditure for the year. But the right hon. Gentleman was aware that if by the means he stated the Government were to borrow from the National Debt Commissioners upon deficiency bills, those bills must be repaid to the Commissioners from the produce of the same quarter; while, on the other hand, if the Government borrowed on Consolidated Fund bills, those bills would be repaid from the produce of the following quarter. The hon. Member for Stoke upon Trent (Mr. J. L. Ricardo) had made another objection to the clause; he said they were borrowing with one hand to pay with another. But that was scarcely a correct view of the operation. Surely, however, it was an advantage, if the Government could make such an arrangement as would enable the Commissioners for the National Debt to go into the market and purchase 1,000,000*l.* of stock at the price of the day. By that means they would have their stock, not at par, but at its value in the open market. When hon. Members talked of the folly of paying off debt while they were borrowing, they ought to observe that the clause would not come into operation until the conclusion of the war; and therefore the absurdity practised under the old sinking fund, of borrowing money to pay off debt, did not at all affect the provision now before the House. Again, when it was stated that future Governments would have difficulty in maintaining a surplus, he thought that ought to be the very reason why that House should now insist upon provision being made for the repayment of this 1,000,000*l.* annually. Pass the clause, and future Governments would not have a choice as to the repayment of the loan. They must provide for it in the same way as for every charge placed upon the Consolidated Fund. It would not be a matter of option to them; and if they wanted to evade the payment of the 1,000,000*l.* annually, they would be obliged to come down and ask that House to repeal the Act. For these reasons he hoped the House would support the clause as it stood.

Mr. DISRAELI: Sir, the observations of the hon. Gentleman the Secretary to the Treasury are not satisfactory. He says the House approves the principle of borrowing money upon terminable annuities; that the proposition contained in this clause is analogous to such a principle; and he therefore calls upon us to support it. But it is an assumption on the part of the hon. Gentleman to suppose that the House has sanctioned the principle of terminable annuities. If this House has sanctioned that principle, why has not the Government acted upon it? It is very true we have had observations made here — I have often thought without sufficient consideration—upon the admirable character of the terminable annuity system, and certainly for some short time those observations were made without criticism; but there has been no vote in this House in favour of borrowing money upon that system, and, therefore, I think the hon. Gentleman is not justified in assuming that the principle is one which has the sanction of Parliament. I, for one, entirely agree in the view which has been expressed in this House, and more particularly by the hon. Member for Stoke upon Trent (Mr. J. L. Ricardo), that such a mode of raising a loan is very questionable and suspicious. It may be popular among those who have not given due consideration to the subject, but go into the City, inquire among the capitalists and men of business. They know very well what a terminable annuity means; they know that it is, in fact, borrowing money to create a sinking fund, and they will ascertain in a moment the exact value of your offer, and the premium you are giving for raising money in this form. I trust the House will hesitate before it assents to this 22nd clause. What is it? It is neither more nor less than a recurrence to the system of creating an artificial sinking fund; and to my mind no principle can be more pernicious. The Chancellor of the Exchequer, who has to-night adverted to the experience which the country has of sinking funds, touched upon the period extending, I think, from 1822 to 1828, when a sinking fund of 5,000,000*l.* was obtained, and, comparatively speaking, a considerable reduction of the public debt was effected—the only time when such a reduction has been effected. That reduction amounted to something more than 30,000,000*l.* in the course of six years; but how did you create your 5,000,000*l.* per annum of sinking fund even at that time? By an increased taxation, the depressing effect of which upon the national industry and the national wealth was no doubt more injurious than the proportionate benefit you obtained by that reduction in the incumbrances of the country. I think there is also another objection to this course; it appears to me that it will interfere with the Sinking Fund Act which we now possess. To the principle of that Act, although it may certainly be modified and improved in some particulars, I am a firm adherent, believing, as I do, that it has worked with considerable advantage to the country and to the public debt. Now, by this clause, the House must recollect that they will be forced on the termination of the war, whatever may happen, to apply annually to the reduction of a particular branch of the public debt a sum of 1,000,000*l.* sterling. At a moment when you may be pressed hard with public liabilities you will have this claim upon your resources, and will have to provide for this artificial sinking fund. I think we ought not to sanction such a system. And, then, another objection also suggests itself—either this clause has a genuine purpose or it has not. It is very well to say the clause does not form part of the contract for the loan; that this is not an arrangement which at all affects the public creditor who lent you this money. Remember that at the very time you are raising the loan you publicly announce that you are making an arrangement to liquidate the liabilities which you are now incurring. Now, is it not open to great objection that, when you are borrowing money, you should infuse into the public mind a conviction that there is a facility for getting rid of the incumbrance? In such a case, instead of the public feeling that a loan is a resource which we ought to make use of only under circumstances of great pressure—instead of their feeling that in raising a loan they are incurring a liability which will press heavily upon them and those who follow after them—you have the Minister of Finance impressing the country with the idea that while they are borrowing this money they are at the same time establishing a certain machinery by which the incumbrance, after a certain time, may be got rid of. But there is not a man in this House who would peril any stake of importance upon the contingency that this will ever be a valid means of effecting the purpose you wish to accomplish; and I therefore hope the Chancellor of the Exchequer, seeing that the opinion of this House is not in favour of this clause, will not press it. I feel anxious that we should not unnecessarily divide upon this question; and, as the right hon. Gentleman has told us to-night that this clause forms no part of his contract, I think, therefore, he can have no difficulty in withdrawing it from the Bill. He can do that now with facility; but, if he allows it to remain, five years hence no Gentleman who fills his position will be able to get up and maintain successfully in this House that the clause does not form part of the public contract. It will be always maintained that this was a solemn engagement entered into by Parliament with the public creditor. For these reasons, if a division be taken, I certainly shall vote for the Amendment of my hon. and learned Friend (Sir F. Kelly).

Mr. GLYN said, he hoped that the right hon. Gentleman the Chancellor of the Exchequer would not accede to the advice given him by the right hon. Member for Buckinghamshire (Mr. Disraeli). His (Mr. Glyn's) only regret was that 20,000,000*l.* had not been taken at once. The very argument used by the right hon. Member for Buckinghamshire was the one that would induce him to take a view opposed to the view of that right hon. Gentleman. He looked upon the clause as an attempt authoritatively to give a decision of the House to the actual formation of a *bonâ fide* sinking fund. Had his hon. Friend the Member for Stoke upon Trent (Mr. J. L. Ricardo) considered the clause, he would have found that it did not come into operation till the arrival of a time of peace, when the surplus revenue of the country would give the means of supplying the 1,000,000*l.* required. He thought no House of Commons would come forward to repeal a pledge given in an Act of Parliament for a particular object, whereas in point of fact leaving a reduction of the national, debt as it now stood, merely upon a casual surplus revenue arising from time to time, seemed to him to be one of those unsatisfactory and unproductive measures which would never lead to any permanent result. He thought the right hon. Gentleman the Chancellor of the Exchequer was quite right in laying it down as a principle to be adopted in all future loans, that whenever the House went into the market to raise loans it should, at the same time, take care that the Chancellor of the Exchequer for the time being should find it necessary to keep up a surplus revenue for the ultimate wiping off of that loan. He thought there was no principle which contained so much as that did the germ of security for the finances of the country, and also for the proper administration of the national debt.

Mr. JOHN MACGREGOR said, he thought it would have been better to have raised 20,000,000*l.* at once than to have imposed additional taxation upon articles of primary necessity, such as tea, coffee, and sugar. He objected to Parliament pledging itself by the present clause to that which might place future Parliaments in an embarrassing position, and he regarded the proposition to pay off the debt by 1,000,000*l.* annually as a Pisgah view of a promised land.

Mr. CARDWELL said, he was desirous of making one observation in reply to the remarks of the hon. Member for Kendal (Mr. Glyn), who vindicated the clause upon a ground entirely inconsistent with the speech of the right hon. Gentleman the Chancellor of the Exchequer. That right hon. Gentleman had told the House that the clause formed no part of the contract, but might be dealt with by the House as it pleased, and by future Houses as they pleased; but the hon. Member for Kendal not only treated it as obligatory in his argument, but hoped it would be made the foundation of an important precedent; and that in each succeeding year, if there should exist a necessity for contracting further loans, a similar clause would be inserted in every Loan Bill, and that all future loans should be redeemed at the rate of 1,000,000*l.* a year. But let the House suppose that at the commencement of the last war a similar clause had been inserted in the first Loan Bill, and according to the argument of his hon. Friend, had been made a precedent in each succeeding loan, in what position would the House of Commons have found itself at the end of the war? It would have found itself with a clause in all its Loan Bills compelling it to expend at the commencement of the peace a larger sum of money annually in liquidation of those loans than was expended in the year 1853 in all the services of all the Ways and Means that were voted in that year. Parliament would not have been prepared to fulfil those pledges, and such pledges, therefore, ought not to be given. He did not agree with the hon. Member for Kendal that the clause would be regarded as a pledge; and it was very undesirable that when debts were contracted they should afterwards hear it disputed whether a provision was or was not part of a contract. He sincerely regretted that he should be forced to vote against the proposal of his right hon. Friend the Chancellor of the Exchequer if the matter were pressed to a division, for he joined in the desire that they should give to the Government, as up to that time they had given, their cordial, unanimous, and undivided support.

VISCOUNT PALMERSTON: Sir, from the desire expressed on both sides of the House, I had hoped that this Bill would pass without a division; but at the same time I think the principle involved in the clause now under discussion so important that I for one have determined to take the sense of the House upon it. I think the principle of the Bill to be simply this—whether Parliament and the country, when obliged by circumstances to add to the public debt, shall or shall not make any effort whatever to reduce in future years the debt which is so incurred. Now, it is obvious that no country can face any great emergency arising from a war, for which great efforts are to be made, without providing means over and above the ordinary revenues of the country, over and above those additional means which may be provided by increased taxation. No war of any magnitude can be undertaken by any country whatever without loans raised upon honest principles, or if without loans, those forced contributions, contributions of war, by which in some cases armies may be supported during the brief progress of a campaign. Now, according to the argument of the right hon. Gentleman the Member for Buckinghamshire, the country ought never to make any endeavours whatever to reduce its debt, because the efforts made, and the taxation raised for that purpose, would deduct more from the springs of industry of the country than they did good by the reduction of the debt which might be incurred. In another part of his speech the right hon. gentleman praised that system by which the surplus income of the country is to be applied to the reduction of the debt. But how can a surplus income arise but from the produce of the taxation over and above the service of the particular year? I for one hold that it would be very desirable that this House should lay down as a principle—that which has been indeed already established as a principle—viz., that there should be in every year, if possible, a surplus income applicable to the reduction of the debt. It has been asserted by Gentlemen on this side of the House that we contended that the sanction of Parliament had been given to the principle of terminable annuities. Undoubtedly there is a great advantage in terminable annuities, and fortunate would it have been for us if loans had been contracted in former years upon terminable annuities, for the country would then have been relieved from the pressure of that debt which now weighs so heavily upon the industry and resources of the country. But I am aware there are great difficulties in contracting a loan of any amount upon the principle of terminable annuities, and I am also ready to admit the truth of what is stated by the right hon. Gentleman the Member for Buckinghamshire, that it may be doubted whether it is an economical measure to provide for the reduction of your debt. There can be no doubt that the most economical method must be to raise your loan on that stock and in that way in which you can obtain it in the cheapest manner possible, and then apply in time of peace a surplus revenue for the purpose of buying up that debt upon the cheapest terms of the market. That is very much the principle of the proposal of my right hon. Friend the Chancellor of the Exchequer. He has negotiated a loan on those terms on which it was most advantageous at this moment to contract it, and he provides by this clause for the gradual redemption of it in time of peace. The arguments used by the opponents of that scheme resolve themselves into two classes. Some hon. Gentlemen have objected to this clause, because they say it is a mere nullity, that it contains a promise which will not be performed, that it gives no security for the reduction of the debt; and the right hon. Gentleman (Mr.

Gladstone) objected, for he said, five years hence some future Chancellor of the Exchequer would find himself embarrassed by a pledge he would be unable to fly from. Therefore, while some gentlemen object because the clause is a nullity, others object because it is too stringent. I think this will be an obligation. It is my opinion that this will be, like all other Acts of Parliament, binding upon Parliament until repealed, and, therefore, that so long as this clause remains, Parliament will find the means of raising a revenue sufficient for the purposes of the Chancellor of the Exchequer. But if, unfortunately, circumstances should arise which would make it impossible for him to continue payment, it would be for the wisdom of the Parliament of that time to reconsider the question. I cannot admit that this would be a dangerous principle to adopt, or that it would not be considered by Parliament as an obligation to be fulfilled. But if the necessity arises to incur an addition to our debt, the application of real surplus revenue to the gradual payment of that debt has this advantage, that while on the one hand you add 16,000,000*l.* to the debt of the country, on the other hand you are holding out a prospect that, at the end of a certain period of years, you will, out of a *bonâ fide* surplus revenue, find the means of extinguishing that addition to our debt.

Question put, "That the words proposed to be left out stand part of the Bill."

The House *divided*:—Ayes 210; Noes 111: Majority 99.

List of the AYES.

Acton, J.
Adair, R. A. S.
Alcock, T.
Anderson, Sir J.
Bagshaw, J.
Baines, rt. hon. M. T.
Baird, J.
Ball, J.
Baldock, E. H.
Baring, T.
Barnes, T.
Barrow, W. H.
Beckett, W.
Bethell, Sir R.
Biggs, W.
Bland, L. H.
Bonham-Carter, J.
Bouverie, hon. E. P.
Bramston, T. W.
Brand, hon. H.
Bright, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Bruce, Lord E.
Buckley, Gen.
Burke, Sir T. J.
Butler, C. S.
Byng, hon. G. H. C.
Castlerosse, Visct.
Caulfield, Col. J. M.
Cavendish, hon. C. C.
Challis, Mr. Ald.
Chambers, M.
Chambers, T.
Cholmondeley, Lord H.
Christy, S.
Clay, Sir W.
Cobden, R.
Cockburn, Sir A. J. E.
Collier, R. P.
Coote, Sir C. H.
Cowan, C.
Cowper, hon. W. F.
Crook, J.
Crossley, F.
Dalrymple, Visct.
Davies, D. A. S.
Davies, J. L.
Denison, E.
Denison, J. E.
De Vere, S. E.
Duncombe, hon. O.
Dundas, F.
Dungarvan, Visct.
Dunlop, A. M.
East, Sir J. B.
Egerton, W. T.
Egerton, E. C.
Euston, Earl of
Ewart, W.
Ewart, J. C.
Fagan, W.
Farrer, J.
Fielden, M. J.
Fergus, J.
Ferguson, Sir R.
Ferguson, J.
Fitzgerald, J. D.
Fitzroy, rt. hon. H.
Foley, J. H. H.
Forster, C.
Fortescue, C. S.
Freestun, Col.
French, F.
Gibson, rt. hon. T. M.
Glyn, G. C.
Goodman, Sir G.
Gore, W. O.
Grace, O. D. J.
Gregson, S.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Earl
Hadfield, G.
Hall, Sir B.
Hankey, T.
Harcourt, G. G.
Hastie, Alex.
Hastie, Arch.
Headlam, T. E.
Heathcote, Sir G. J.
Heathcote, G. H.
Herbert, H. A.
Heyworth, L.
Higgins, G. G. O.
Holford, R. S.
Horsfall, T. B.
Horsman, rt. hon. E.
Hotham, Lord
Hughes, W. B.
Hutchins, E. J.
Hutt, W.
Johnstone, Sir J.
Keating, R.
Keogh, W.
Kershaw, J.
Kinnaird, hon. A. F.
Knatchbull, W. F.
Knightley, R.
Lacon, Sir E.
Langton, H. G.
Laslett, W.
Lee, W.
Lemon, Sir C.
Lewis, rt. hon. Sir G. C.
Liddell, H. G.
Lindsay, W. S.
Mackie, J.
Mackinnon, W. A.
M'Cann, J.
MacGregor, James
M'Taggart, Sir J.
Magan, W. H.
Mangles, R. D.
Marjoribanks, D. C.
Martin, J.
Masterman, J.
Matheson, Sir J.
Milligan, R.
Mills, T.
Milnes, R. M.
Mitchell, W.
Mitchell, T. A.
Moffatt, G.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Moncreiff, J.
Monsell, W.
Montgomery, Sir G.
Morgan, O.
Morris, D.
Mowatt, F.
Mowbray, J. R.
Mulgrave, Earl of
Mullings, J. R.
Murrough, J. P.
Newark, Visct.
Norreys, Sir D. J.
North, F.
O'Brien, P.
O'Brien, Sir T.
O'Brien, C.
O'Connell, J.
Oliveira, B.
Osborne, R.
Ossulston, Lord
Palmerston, Visct.
Pechell, Sir G. B.
Peel, F.
Pellatt, A.
Phillimore, J. G.
Phillips, J. H.
Pigott, F.
Pollard-Urquhart, W.
Portal, M.
Portman, hon. W. H. B.
Power, N.
Price, Sir R.
Pritchard, J.
Pugh, D.
Reed, J. H.
Repton, G. W. J.
Ricardo, S.
Rice, E. R.
Rushout, G.
Russell, Lord J.
Russell, F. C. H.
Seymer, H. K.
Seymour, H. D.
Seymour, W. D.
Shafto, R. D.
Shelley, Sir J. V.
Shirley, E. P.
Smith, J. A.
Smith, J. B.
Smyth, J. G.
Smollett, A.
Somerville, rt. hn. Sir W.

Sotheron, T. H. S.
Stanley, hon. W. O.
Steel, J.
Strickland, Sir G.
Strutt, rt. hon. E.
Sullivan, M.
Thompson, G.
Tomline, G.
Townshend, Capt.
Vane, Lord H.
Vansittart, G. H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Walmsley, Sir J.
Whitman, J.
Wickham, H. W.
Williams, M.
Willoughby, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.

TELLERS.

Hayter, rt. hon. W. G.
Berkeley, C. L. G.

List of the NOES.

Adderley, C. B.
Annesley, Earl of
Antrobus, E.
Ball, E.
Baring, H. B.
Barrington, Visct.
Baxter, W. E.
Bective, Earl of
Bell, J.
Bennet, P.
Bernard, Visct.
Bramley-Moore, J.
Buck, L. W.
Cardwell, rt. hon. E.
Cecil, Lord R.
Christopher, rt. hon. R. A.
Clifford, H. M.
Corry, rt. hon. H. L.
Craufurd, E. H. J.
Dalkeith, Earl of
Deedes, W.
Dillwyn, L. L.
Disraeli, rt. hon. B.
Duckworth, Sir J. T. B.
Duncan, G.
Duncombe, hon. A.
Dundas, G.
Dunne, Col.
Ebrington, Visct.
Farnham, E. B.
Filmer, Sir E.
Fitzgerald, W. R. S.
Floyer, J.
Fox, W. J.
Galway, Visct.
Gaskell, J. M.
George, J.
Gladstone, rt. hon. W.
Gladstone, Capt.
Goderich, Visct.
Gordon, hon. A.
Greaves, E.
Grogan, E.
Gwyn, H.
Hamilton, Lord C.
Heneage, G. H. W.
Henley, rt. hon. J. W.
Herbert, rt. hon. S.
Herbert, Sir T.
Hervey, Lord A.
Hildyard, R. C.
Hill, Lord A. E.
Irton, S.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Jones, Capt.
King, J. K.
Knight, F. W.
Labouchere, rt. hon. H.
Langston, J. H.
Langton, W. G.
Lowe, R.
Macartney, G.
MacGregor, John
Maddock, Sir H.
Malins, R.
Mandeville, Visct.
Manners, Lord G.
Massey, W. N.
Maxwell, hon. J. P.
Meux, Sir H.
Miall, E.
Naas, Lord
Neeld, John
Northcote, Sir S. H.
Pakington, rt. hn. Sir J.
Palk, L.
Palmer, Rob.
Parker, R. T.
Pennant, hon. Col.
Phillimore, R. J.
Pilkington, J.
Ricardo, J. L.
Ricardo, O.
Robertson, P. F.
Rolt, P.
Scobell, Capt.
Sibthorp, Col.
Smith, W. M.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stanley, Lord
Stirling, W.
Stuart, W.
Sutton, J. H. M.
Taylor, Col.
Thornely, T.
Tyler, Sir G.
Vernon, G. E. H.
Vyse, Col.
Waddington, D.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walter, J.
Wells, W.
Whiteside, J.
Wilkinson, W. A.
Wynn, Lt.-Col.
Wyvill, M.

TELLERS.

Kelly, Sir F.
Butt, G. M.

INCOME TAX BILL.

Order for Committee read.

House in Committee; Mr. FITZROY in the Chair.

Clause 1.

MR. HILDYARD said, he wished to move, in page 2, line 6, after "respectively," to insert—

> "If such annual value or amount shall reach or exceed 150*l.*, and an additional rate and duty of 1½*d.* for every 20*s.* of the annual value or amount of all such property, profits, and gains respectively, if such annual value or amount shall reach or exceed 100*l.* and not reach 150*l.*"

The object of his Amendment was to preserve the same ratio in the increase of the tax as had been made in the tax itself as levied upon incomes exceeding 100*l.* a year and those exceeding 150*l.* a year. The right hon. Gentleman the Chancellor of the Exchequer proposed to add 2*d.* indiscriminately to the tax laid upon both descriptions of income; but to do so was to tax the income below 150*l.* a year at a higher rate than the income exceeding that sum, because an addition of 2*d.* upon 10*d.* was an increase of 20 per cent, while to add the same sum to 14*d.* was under 14½ per cent. What he proposed, therefore, was that, upon incomes below 150*l.* a year, and greater than 100*l.*, the increase should be 1½*d.* instead of 2*d.*, as the class of persons possessing the smaller income was precisely that class who could least afford to pay increased taxes. The argument might be used that, to accede to his proposal would involve a loss of revenue, but the loss would be but small; and, even if it were not, no fear of loss could justify what was unjust. It might also be said, that the pence would be more easy of collection; but he could not understand how that could be the case. Since he had placed the present Motion on the paper, he had received letters upon the subject from a large number of persons, all of whom concurred in requesting him to press it to a division.

COLONEL SIBTHORP said, he should have great pleasure in seconding the Amendment. He had always opposed the income tax as an innovation, just as he had opposed the establishment of Crystal Palaces, and he was ready to support any mitigation of that impost, in whatever shape it might be proposed. The object of the Chancellor of the Exchequer was to raise money by this Bill; but he only wished that every Member who sat on the Treasury benches was subjected to double or treble income tax. Those Gentlemen got their money for doing nothing, and called upon the country to pay the taxes. He would always oppose the income tax as long as he had a seat in that House.

THE CHANCELLOR OF THE EXCHEQUER said, it was quite true, as the hon. and learned Gentleman who moved the Amendment had stated, that the adoption of his proposal would produce only a slight diminution of the revenue, but it would also be a matter of very slight consideration so far as the taxpayers themselves were concerned, for upon an income of 150*l.* a year the difference would only be 6*s.* per annum, which could hardly be felt by any class of the community. He did not wish to pledge the House against the principle of discrimination with respect to the duty to be levied upon incomes of different amounts, but he thought the splitting of a penny would give considerable additional trouble to the department charged with the collection of this tax. He thought some inconvenience might be occasioned by the application of the hon. and learned Gentleman's scale to Schedule B—the farmer's schedule—for in some cases in England the tax to be levied would be $5\frac{3}{4}d.$, and in the case of Irish and Scotch farmers, $3\frac{5}{8}d.$ The hon. and learned Gentleman brought forward his Amendment as a matter in which persons of small incomes felt great interest, and as he (the Chancellor of the Exchequer) considered it might be thought a somewhat harsh proceeding if he were to oppose the proposition, he would accede to its adoption.

MR. SEYMOUR FITZGERALD said, he wished to know if the principle of the Amendment which the right hon. Baronet had just sanctioned in respect to incomes between 100*l.* and 150*l.* a year, was to be applied to the assessment of the income tax on the farmers of England and Scotland?

THE CHANCELLOR OF THE EXCHEQUER said, that the income of the English farmer was assessed at half his rental, and the income of the Scotch farmer at one-third. On this income so assessed the tax was levied. In those cases where the percentage in the rental came under 150*l.* and down to 100*l.*, the principle of the Amendment would apply, and the farmer would thus have all the benefit which was to be obtained from the Amendment referred to. It was not necessary to make any alteration for that purpose in the Bill now in Committee.

MR. COWAN said, he wished to direct the attention of the right hon. Gentleman to a case of great inequality connected with the manner in which the income tax was assessed in Scotland as compared with England. In England, the landed proprietor was assessed on the net annual value of his property, after deducting rates and taxes. In Scotland the assessment was made on the gross income. He hoped the Chancellor of the Exchequer would consider the matter, with a view to the amendment of such a state of things.

THE CHANCELLOR OF THE EXCHEQUER said, that the law upon the subject was perfectly similar in England and Scotland. In England, if the landlord was charged with any rate, such as sewers and improvement rates, he was not entitled to deduct their amount from his income tax assessment. The law in Scotland was similar, but it happened in Scotland that certain rates, which in England were usually paid by the tenant, fell upon the landlord. That was, however, a matter of arrangement between the landlord and tenant; but with respect to the law, he would repeat there was no difference between England and Scotland.

Clause *agreed to.*

Remaining clauses *agreed to.*

House resumed.

NEWSPAPER STAMP DUTIES BILL.

Order for Committee read; House in Committee; Mr. FITZROY in the Chair.

THE CHANCELLOR OF THE EXCHEQUER: The Committee will, I doubt not, remember that when this Bill was last before us, a question was raised on Clauses 4, 5, 6, and 7, relative to registration and securities. A discussion took place on the structure of those clauses, and it was pointed out that certain inconveniences would arise under their operation; that, in certain cases, a sort of publication not coming within the range of the original Acts would be included, and that, in certain other cases, particular publications that did come within the operation of the original Acts would be excluded. I felt that these remarks had in them some foundation; and, though the clauses referred to were framed on the principle of removing penalties and securing the obligation of registration and securities merely by the operation of seeking stamps, I thought it was better to reconsider the matter, and accordingly asked the Committee to postpone the clauses and report progress. I have since reconsidered the matter, and, after the best consideration I can give to the subject, I have come to the conclusion that, on the whole, it will be the safer course for me not to interfere with the existing law, but simply to leave it as it now stands with respect both to registration and securities. These will be applicable to all newspapers, according to the terms of the Act; and, though we shall certainly leave in operation the difficulty which the Board of Inland Revenue has found as to the interpretation of the word "newspaper," that difficulty will be considerably diminished when the operation of the compulsory stamp is removed. I confess I do not think the state of the law will be altogether satisfactory; but, on the whole, I am disposed to stand on the existing law, and allow it to be enforced by penalties. I therefore propose to omit Clauses 4, 5, and 7, and, with regard to Clause 6, which will remain, I shall propose some verbal alterations required by the omissions that are to take place.

On the question that the 4th Clause be omitted,

MR. G. BUTT said, he understood the Chancellor of the Exchequer to mean that he intended the law as to registration and giving security to remain applicable to all newspapers. By the Bill as it stood the Government intended to confine the obligation of registering and giving security to those particular publications that chose to avail themselves of the postal advantages proposed to be given; but the effect of the omission of this clause, as he understood it, would be to relieve particular publications from that obligation.

THE CHANCELLOR OF THE EXCHEQUER: All particular publications that are not newspapers.

Clause *struck out;* as was also Clause 5.

Clause 6 *agreed to,* with certain verbal alterations.

Clause 7 *struck out.*

Clause A.

THE CHANCELLOR OF THE EXCHEQUER said, he had now to propose the clause of which he had given notice, limiting the retransmission by post of periodical publications. He proposed this clause as being a reasonable limitation in the right of retransmission. In practice it was found that persons in possession of newspapers, and wishing to send them to a distance, transmitted them by post merely to be used as waste paper, and without any view of their being read. The privilege of unlimited transmission led to large quantities of waste paper being thus sent by post; the right of transmission was abused, and additional cost was thrown upon the conveyance of papers. He therefore proposed the reasonable limit of fifteen days.

MR. G. BUTT said, he wished to direct attention to some confusion which he feared would arise under the Act as it was now proposed to stand, owing to the adoption in different clauses of the terms "periodical publication" and "newspaper," when the same thing was meant. He did not oppose the clause, but he thought that it would be necessary slightly to alter the language, in order to make the different parts of the Bill harmonise.

THE CHANCELLOR OF THE EXCHEQUER said, that it would no doubt be necessary carefully to examine and compare all the clauses of the Bill. He did not think that there was any error in the present clause, but he was much obliged to the hon. and learned Gentleman for drawing his attention to the subject.

MR. SPOONER said, he wished to know whether it was intended to give the right of transmission and retransmission through the post as frequently as one chose within the fifteen days?

THE CHANCELLOR OF THE EXCHEQUER replied, that it was; but beyond fifteen days from the date of publication no newspaper would be entitled to the privilege of transmission through the post. If the Committee considered the period of fifteen days too limited, it might be extended.

Clause *agreed to.*

Clause B.

THE CHANCELLOR OF THE EXCHEQUER next proposed a clause for determining how questions as to periodical publications should be decided. It provided that, so far as referred to their transmission through the post, the question should be referred to the determination of the Postmaster General, whose decision, with the consent of the Treasury, should be final.

Clause *agreed to.*

Clause C, relating to the manner in which warrants and consents of Treasury were to be given, was abandoned.

Clause D. (Actions or suits might be carried on in the names of the registered proprietors of newspapers on behalf of themselves and co-proprietors.)

Mr. G. BUTT said, he thought, if the right hon. Gentleman the Chancellor of the Exchequer would consider the laws which were applicable to this class of subjects generally, that he would come to the conclusion that this was a clause which ought not to be adopted. It contained a provision which was perfectly new to the law of the country, and if it were adopted it would apply to no other publication except a newspaper, because no other publication was required to be registered. The effect of the clause was to enable the registered proprietors of newspapers to sue for debts and other contracts in their own names, without joining all the parties in the concern as plaintiffs in the action. But upon what principle was this to be done? If there were a firm of booksellers the partners must all be joined, and what reason was there for taking the proprietors of newspapers out of the operation of the law as it stood? The proposition which was now before the Committee was not properly analogous to that contained in the Joint Stock Act, which enabled proprietors in companies where there were many partners, upon registering themselves and continuing to register any alteration in the firm as it arose, to sue in the name of the registered officer. That Act also provided, if the registered officer failed in his suit, and judgment went against him, that it would be a judgment against all the partners in the concern; so that all would be, as they ought to be, amenable for the judgment obtained against them in the name of their registered officer. In the present case, however, there was no such provision, and the clause standing therefore in the isolated position in which it did was clearly contrary to every principle of existing law, and to every Act of Parliament which had ever been passed for giving facilities to parties for suing and being sued. Suppose that a newspaper were the property of six proprietors, what reason could there be for exempting them from the responsibility of their ownership? Of course he spoke not of the respectable newspapers in the metropolis and throughout the country, the registered proprietors of which would, no doubt, be able to satisfy any judgment which might go against them; but he would take the case of smaller publications, in which it might be convenient to register as the proprietors persons who had no funds whatever, while there were other partners in the concern who might be capable of answering any judgment which might be obtained against them. He therefore contended that, under the clause as it was proposed, there were no means of meeting such a case. The General Joint Stock Act, 7th & 8th of *Vict.* chap. 110, contained proper provisions for doing justice, and rendered it necessary for every change in the firm, the addition of every new partner, and the ceasing of a man to be a partner to be registered; and the public officer was obliged once a year to make a return of all such alterations. He must give in a list of the whole of the proprietors, and should any alteration be made in the period which elapsed between the times of making the general returns, it was required to be duly noted. It was provided, too, by the Joint Stock Act, that a suit should not abate by reason of the death of the plaintiff, for the reason that he was merely the nominal plaintiff, and a judgment was in effect a judgment against the whole of the parties concerned; so that a sufficient remedy was given. But here there was a palpable omission. The right hon. Gentleman could not have known the state of the law; for if he had intended to adopt the law to be found in the Banking Act, or the Joint Stock Act, he had so worded the clause as to render it entirely ineffective, and would enable a paper which was started for the purposes of piracy, or as a vehicle for slander, to register a nominal man, to sue and be sued, and the consequence would be that persons who should get judgment against such person would be without remedy. There was no principle of law which, if a debt were due, for instance, on a bill of exchange to newspaper proprietors, would enable one party to sue, when if a respectable firm, composed of six persons, had a debt due from a newspaper proprietary, they would all be obliged to join in the suit. The clause was not so worded as to do justice between parties who might be plaintiffs and defendants in a suit, and any hon. Gentleman conversant with the law would tell the right hon. Gentleman that such a principle was totally unknown to it, and was now for the first time imported into the House. At present, proprietors of newspapers were registered for the purpose of giving facilities for fixing the parties in cases of libel; but the registration of a portion of them did not hinder him from joining the whole of the proprietors in the suit if he pleased. On these grounds, therefore, he submitted that the clause was not a proper one, and he should consequently move its rejection.

THE CHANCELLOR OF THE EXCHEQUER said, that the present law provided that there should be two registered parties subject to legal proceedings, and might be made defendants to any civil action.

MR. G. BUTT: Not to civil actions. It relates to actions for libel and not for debt.

THE CHANCELLOR OF THE EXCHEQUER: At all events they were subject to criminal proceedings, and it had been represented to him as a hardship that, while they were thus subject, individually, to be made defendants, no relative right was given them of suing. Any two registered proprietors were subject to a judgment in an action. He apprehended that the principal persons registered would be the printer and publisher, and no doubt they would have sufficient funds to give security for costs. The object of this clause was to place them in the same position with regard to suing as that in which they were when they were being sued.

MR. G. BUTT said, that the provision of registration did not limit the right of parties to sue the registered proprietors only, in cases of contract. They might if they pleased, sue all the proprietors. It was, therefore, impossible that this clause could be supported on any principle of law, and he trusted that the right hon. Gentleman would not press it.

THE CHANCELLOR OF THE EXCHEQUER said, that it was a clause in which the Government had no interest whatever, but it had been suggested with a view of doing away with a hardship existing under the present law. He had no objection, in consequence of the arguments of the hon. and learned Gentleman, to postpone its further consideration till the third reading.

Clause *postponed.*

MR. WHITESIDE said, he begged to inquire whether any determination had been come to with respect to the registration?

THE CHANCELLOR OF THE EXCHEQUER: Those clauses have been withdrawn for the present. I now beg to move the clause which proposes to give the protection of a copyright of twenty-four hours on certain articles in newspapers. The present Copyright Act in its interpretation clause includes newspapers, and it certainly appears to have been the intention of the Legislature in passing that Act to give the full benefit of copyright to newspapers as well as to all other classes of printed publications. But the clauses introduced into that Act seem to have been formed principally with reference to encyclopædias, reviews, magazines, periodicals, and works of larger bulk and less frequent publication than daily or weekly newspapers, and imposed certain conditions with respect to copyright which could scarcely have been fulfilled in the case of newspapers, and therefore practically nullified the benefits which the Act appeared to concede to them. Inasmuch, however, as it has been imputed to the Government that in introducing this measure, which affects large daily newspapers, conferring upon the public great advantages by collecting and diffusing intelligence at considerable expense through all parts of the world, it gives facilities for pirating the information they contain, and disseminating it without any cost—inasmuch as it has been charged upon the Government that they wished to encourage a dishonest course of that sort, and having had no such intention, they feel it incumbent upon them to lay before the House a clause like the present, in which a copyright is given to the articles in newspapers, and a remedy proposed for the infringement of that copyright. The model of this cheap remedy already exists in the Act with respect to the copyright of designs, which has received the sanction of Parliament. I am free to admit that if this clause should be rigidly or vexatiously enforced by the leading metropolitan newspapers, the rights which have by consent hitherto been exercised by the London evening and weekly newspapers, and by the country newspapers, would be materially abridged. It is undoubtedly true that the general intelligence, the reports of the debates in this and the other House of Parliament, the reports of proceedings in courts of justice, the reports of the transactions at public meetings and on other public occasions, which are obtained at a considerable cost by the proprietors of the leading metropolitan journals, are transferred into other papers by the mere process of copying, and without any expenditure of money on their part whatever. That practice has grown up, and has been acquiesced in by the principal newspapers for a long series of years; and it certainly would be a considerable detriment to the public at large if any attempt should now be made to abridge the rights thus conceded by practice; but it is not my belief that the leading London newspapers would seek to exercise the powers which this clause would confer in any harsh and oppressive manner. The proprietors of newspapers, like other persons in this country, live under the influence of public opinion. Though newspapers, to a great extent, act as the guides of public opinion, they are also themselves in return peculiarly amenable to the influence of public opinion, and it is not my belief, looking to the manner in which the principal metropolitan newspapers are conducted, that their proprietors would seek by a harsh, novel, or oppressive use of the powers of this clause to prevent that transcription of intelligence from their columns which practice has hitherto sanctioned. My belief is that this clause would merely be brought into use in cases where a newspaper might be set up with the deliberate intention of pirating the principal newspapers, and of transferring into its columns intelligence, articles of original composition, and other communications, *animo furandi*—with the deliberate intention of making the profits of the newspaper depend on such ill-gotten gains. Under these circumstances, it is desirable that a cheap, quick, and certain remedy should be afforded to those newspaper proprietors whose intelligence should be so taken from them. I shall now, therefore, beg to move the insertion of the following clause:—

"The proprietors of every newspaper shall, for the purpose of protection against piracy, be entitled to a copyright in every original article, letter, paragraph, communication, and composition which shall be for the first time published in such newspaper in this country; and if any person shall, within twenty-four hours after the first publication of any original article, letter, paragraph, communication, or composition in any such newspaper, print or publish any copy of such original article, letter, paragraph, communication, or composition, or of any material part thereof, or any colourable abridgment or alteration of the same, such person shall for every such offence forfeit a sum of not less than 5*l.*, nor exceeding 30*l.*, to the proprietors of the newspaper against whom such offence has been committed; and it shall be lawful for the printer or publisher of such last-mentioned newspaper, on behalf of the proprietors thereof, to recover such penalty by a summary proceeding before a stipendiary magistrate who has, or two justices who have, jurisdiction where the party offending resides, who shall issue a summons requiring such party to appear on a day and at a time and place to be named in such summons (such time not being less than two days from the date thereof); and every such summons shall be served on the party offending, either in person or at his usual place of abode; and, either upon the appearance or the default to appear of the party offending, such magistrate or justices may proceed to hear the complaint; and upon proof of the offence, by confession, or upon the oath of one or more credible witnesses (which oath such magistrate and justices are respectively hereby authorised to administer), may convict the offender in a penalty of not less than 5*l.*, nor more than 30*l.*, as to such magistrate or justices may seem fit; and if the amount of such penalty and the cost of the proceeding, which shall be assessed by such magistrate or justices, shall not be forthwith paid, the same shall be levied by distress and sale of the goods and chattels of the offender, and such magistrate or justices shall grant warrants accordingly."

Mr. WHITESIDE said, he was of opinion that the proposed clause would not accomplish the object which the right hon. Gentleman had so clearly explained—namely, to protect the rights of the proprietors of the principal metropolitan journals. In that object he (Mr. Whiteside) entirely concurred, but it was to the clause to be moved by the hon. Member for Pontefract (Mr. M. Milnes) that he should give his support, being of opinion that it was unjust to visit with restrictions any journal—he did not care what journal it might be—on account of its success. He regarded, therefore, the clause of the hon. Member for Pontefract more as a matter of benefit to the community than to any particular paper. But he confessed that it appeared to him that the Committee was now called on by the Chancellor of the Exchequer to do what was never done before—to limit the blessings of printing, and stifle the electric telegraph as far as possible. Of this he was satisfied, however, that the clause was wholly impracticable. He agreed in the argument used by the right hon. Gentleman, and which had been used elsewhere, that a newspaper, though it did not invent news—yet sometimes, he should say, otherwise—though it did not invent the facts which occurred at Vienna, if any facts did occur there—still, it carried the intelligence with great speed and industry, and with his consent it should be paid, if that were possible, for its extraordinary diligence and speed in carrying facts. But, what was the meaning of a copyright in news he could not imagine. News must exist, and half-a-dozen men might carry news from Vienna, but one might carry it more rapidly than another, and the proposition should be to pay the particular journal which, by zeal and activity, got the news the soonest into this metropolis. He admitted that original articles of great ability appeared in the principal newspapers, but it was a compliment to quote them, and a testimony to the talent and ability with which they were written. But it might be said that original articles were not so much the matter of transcriptions as the striking descriptions of the battle of Inkerman and other battles, inserted in two of the leading metropolitan journals, written, he was happy to say, by two of his countrymen, and which were systematically pirated; and in Dublin the clubs received telegraphic despatches conveying the substance of any article of interest in an hour or an hour and a half after it was written. But how was that to be stopped? Of all the extraordinary devices which ever entered the head of a financier for effecting that object, this clause was certainly the most extraordinary. Whether one man had stolen the ideas of another was often a difficult question to determine with respect to a literary work; but when several men had obtained any particular fact at Vienna, and the editors of newspapers had commented on that fact, then the question would arise whether one had stolen it from the other; and according to this clause the editors of the *Examiner*, the *Spectator*, and the *Press* — all men of great talent — might be summoned before a magistrate to find out whether they had stolen their ideas from the editor of *The Times* or the editor of *The Morning Chronicle.* Then, to try the question, there had been selected, throughout the country certainly, some very curious literary tribunals, and he must take that opportunity of expressing his desire that Ireland should be exempted from the Bill, for, much as he respected the stipendiary magistrates, he should be indisposed to place at their control the press of that country. It was impossible to find men so unfit for the duty proposed to be imposed on them. He was not speaking disrespectfully of them, for assuredly they were never intended to decide questions of copyright. It appeared to him that every provincial editor, unless that merciful and charitable feeling adverted to by the Chancellor of the Exchequer should enter into the minds of the London editors, might find himself taken before a magistrate, who might easily be satisfied of the violation of copyright, and fine him from 5*l.* to 30*l.*, and thus the provincial press might easily be suppressed. The Copyright of Designs Act had been adverted to, but he was not aware himself of any analogous provision to the one proposed, and the proposition to give up men's minds and ideas to the judgment of police magistrates was intolerable. If this clause were to be enforced, let it be enforced by a more competent tribunal; there might not be much objection, perhaps, to the tribunal which was now said to be the greatest in the land—he meant a county court. Questions of copyright might then be submitted to juries, which were generally disposed to take a lenient view in such cases; but it would be entirely out of the question that two stipendiary magistrates in Ireland, or two county justices in England, should be allowed to decide whether a local journal, to the politics of which they might be opposed, had invaded the copyright of a London journal. The right hon. Gentleman would not be able, and, moreover, he ought not, to carry a clause to that effect, Did the right hon. Gentleman intend to include the press of Ireland? That was a question which he might call a puzzler. Would it not be hard that a London newspaper should not be looked into for ten or twelve hours after its arrival in Dublin, lest any one might extract the intelligence it contained? Even if the Dublin newspapers published intelligence of their own in the morning, a question would arise whether it had not been stolen from a London morning paper, and would have to be determined by a police magistrate. His view was that it would be right for them to protect good news and valuable commentary if they could do so, but they could not, and it was useless, therefore, to make the attempt. If this section passed, one body of men, the lawyers, and the country attorneys especially, ought to return thanks to the House for the mine of wealth that would be opened to them, as every newspaper in the empire would be brought into a police office. He submitted that if the right hon. Gentleman would remove the objection as to weight which affected a particular journal, he would do well to take the advice given him a few hours ago, and to leave the question of copyright as it was. The great journals here did not suffer so much as they supposed from the grievance which it was now sought to redress, and the effect of the right hon. Gentleman's proposal would be, that all the respectable provincial journals would perpetually be fined, and the London journals would be worried by a law which they did not desire. He should, upon these grounds, oppose the clause.

Mr. PHINN said, the first question to be decided was, whether it was desirable that there should be a copyright in news, when newspapers had gone to great expense and made great exertions to obtain it? If they thought it was desirable, they then came to the second question—whether the means proposed by the right hon. Gentleman the Chancellor of the Exchequer for that purpose ought to be adopted? The hon. and learned Gentleman (Mr. Whiteside) had put extreme cases, for he had pictured cases which were extravagant and absurd. Now he (Mr. Phinn) would put a case the other way. The morning papers went to more expense and made greater exertions in order to collect intelligence than any other newspapers in the world; they had agents and correspondents all over the globe, in every great capital, and in many of the secondary towns, and the English public were supplied with news very often long before Her Majesty's Government were prepared to communicate it to the House. *The Times*, or *The Morning Chronicle*, or *The Morning Herald*, might be obtained at six o'clock in the morning, and by half-past eight or nine a newspaper might be printed and circulated through London, containing all the leading articles, and the chief intelligence, political, literary, and legal, published in those journals, at about one-third of their cost. Was not this a great wrong, and ought it not to be redressed? Would not the hon. Member for Manchester (Mr. Bright) exclaim against spring patterns in cotton being pirated and offered to the London houses at half their proper price? He admitted that the morning papers might exaggerate the grievances under which they suffered, but the effect of a system of piracy such as he had described would be to diminish their circulation, to lessen the object for which they incurred expense and made exertions, and so to diminish the value of the article which they supplied to the public; he was now, therefore, pleading for the public rather than for the proprietors of newspapers. All public men sometimes fell under the lash of the press, but he believed our newspapers were, on the whole, the best conducted in the world. God forbid that they should ever resemble the newspapers of America. He agreed with the hon. and learned Gentleman that the remedy proposed by the right hon. Gentleman the Chancellor of the Exchequer was not a good one. He thought twenty-four hours was too long a period for copyright in news to continue, as six or eight hours would produce the same practical effect. Distance as well as time was an element in the question. The London newspapers would have reason to complain if a newspaper pirated from themselves were circulated in London, but if the news contained in them were telegraphed to the Dublin or Edinburgh newspapers there was no competition, and they would not sell a copy the less in either of those places. He certainly thought some means ought to be adopted to repress the piracy which he knew would be committed upon the morning journals. [Mr. BRIGHT expressed dissent.] The hon. Member for Manchester might shake his head, but he (Mr. Phinn) knew that preparations were at that moment being made in London to publish at a cheap rate the principal leading articles and the most important intelligence contained in the morning papers by ten o'clock. With regard to the means by which this grievance ought to be redressed, he admitted that he was not willing to devolve upon police magistrates a new and arduous duty for which they were most inadequately paid. The Legislature was every day heaping upon public functionaries new and unpopular duties which they had never contemplated when they had accepted their appointments. The Chancellor of the Exchequer was right in saying that they must trust to the forbearance, moderation, and discretion of the newspaper proprietors for the efficient working of the clauses. He believed that they would not think it worth while to institute proceedings except in cases of systematic piracy, continued week after week. There was considerable difficulty in the choice of a proper tribunal for the trial of questions of this kind. If there were a summary jurisdiction there must also be a power of appeal; but he supposed no one would wish an appeal to be given to the quarter sessions. He was not sure, like the hon. and learned Member for Enniskillen (Mr. Whiteside), that the county courts would not be the best tribunals for the purpose, as there would be an appeal from them to the superior courts, and by those courts the principles upon which the law was to be administered would be settled. He regretted that the Chancellor of the Exchequer had not proposed a newspaper code; but as the House would by this Act give great opportunity for the commission of piracy, he hoped, however impracticable they might think this clause, that they would not reject the principle upon which it was founded—namely, that some protection ought to be given to newspaper proprietors, who expended much money and much trouble for the service of the public.

Mr. J. G. PHILLIMORE said, he quite agreed with the hon. and learned Member for Enniskillen (Mr. Whiteside) in thinking that it was impracticable to establish a copyright in news. One argument advanced by the hon. and learned Member for Bath (Mr. Phinn) in favour of the present clause had certainly astonished him—namely, that they might trust to the moderation of the proprietors of newspapers that they would not exercise the right they might acquire by this Bill in a rigorous spirit. He knew it was the fashion to praise the press, but he very much doubted whether, in the exercise of power, the proprietors of newspapers displayed a spirit which showed them to be exceptional to their species. But, in addition to the objection to the clause on principle, the Committee must see that it was totally objectionable in respect to its practical operation. It not only provided against the pirating of a whole article, but also against "any colourable abridgment or alteration of the same." Now, it would require the most critical mind to describe what a colourable abridgment of a newspaper article was. What was a newspaper? An ephemeris—an insect of the day—which, having performed all its functions, in a few hours disappeared. It could not for a moment be put on the footing of great works—such as those of poets, orators, and historians. To place on the same level with the writings of the right hon. Member for Edinburgh (Mr. Macaulay) the correspondence of a newspaper from Vienna and Berlin would be most preposterous. He protested against investing editors and proprietors with such extensive powers on the ground of trusting to their moderation and forbearance.

Mr. BENTINCK said, he entirely agreed with the hon. and learned Gentleman who had just spoken as to the want of force in the argument advanced by the Chancellor of the Exchequer—namely, that he was prepared to trust to the good feeling of the editors of newspapers in carrying out this clause. Without reverting to the able remarks of the hon. and learned Member for Enniskillen, who, he believed, had shown that the clause could never be practically carried into effect, he thought there was another ground of objection to the clause. He could not understand on what ground any man was to claim a copyright in an anonymous article in a newspaper. The law of copyright applied to works of durable interest, or, at least, to works on some independent and continuous subject, the authors of which were known; and he thought it impossible to legislate on the same principle with respect to such works and to ephemeral and anonymous articles in newspapers. It was absurd to say that there was any copyright possessed by proprietors of newspapers in articles appearing in their journals, when they all knew that in nine cases out of ten they were not written by the proprietors, or were even purchased matter. But, while he considered it objectionable to attempt to enforce a copyright in the case of newspapers, when they had no possible means of ascertaining in whom such a right existed, he still retained a strong opinion against the whole measure. He believed the inevitable result of it would be to produce such a revolution in the newspaper press that, for the sake of the public and for the sake of the respectable portion of the newspapers themselves, it would be absolutely necessary to make new laws altogether on the subject of the press. If this Bill passed into a law they ought to require a signature to every article in order to determine who were the responsible persons, and thereby maintain the stability of the respectable portion of the press, and counteract the inundation of mischievous papers which must inevitably follow such a law. He believed, from all the information he had been able to acquire, that the effect of this law would be to ruin the whole of the respectable portion of the provincial press. Without referring to the discreet or indiscreet use required from the proprietors of London papers of the power that would be vested in them, he believed that the respectable portion of the provincial press would cease to exist—a press which in some places, in point of talent and circulation, equalled the press of London, and that in their stead they would have an inundation of small publications which would become the curse of the country; he therefore trusted the Committee would reject the clause.

Mr. MILNER GIBSON said, he did not think that the hon. and learned Member for Bath (Mr. Phinn) had advanced any great argument in favour of the clause now before the Committee. He remembered the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) once made an observation to the hon. and learned

Member that he liked his principles and admired his speech, but he could not vote for his Resolution. So the hon. and learned Gentleman now said he liked copyright in newspapers, and approved the policy of the Chancellor of the Exchequer, but that he did not like his plan. But that was the very question the Committee had to consider. The question before the Committee was not a mere question of abstract justice but of practical policy. A gentleman, now no more, was examined before the Committee, who, he believed, was at that time editor of *The Daily News.* He stated that the proprietors of that journal had reason to complain that, after they had been at great expense for the transmission of Indian news, the country papers had taken it from them without any acknowledgment, and he thought that a short copyright would put an end to such practices; or that, at any rate, their permission should be obtained. He (Mr. Gibson) recognised a sort of abstract justice in this claim, but he was perplexed as to how they were to act upon it. Before Parliament made a law to meet an evil, it ought to be satisfied that the evil was of sufficient magnitude to make a remedy necessary. The Electric Telegraph Company, of which the hon. Member for Stoke upon Trent (Mr. J. L. Ricardo) was Chairman, was charged that very day in *The Times* with acts of a piratical character, by selling news extracted from *The Times* to the local papers in the provinces. He would leave it to his hon. Friend to explain to the House the proceedings that had taken place under his presidency. But it appeared to him strange that if this operation was of so oppressive a nature, the London morning papers should now come forward for the first time to ask for a remedy. He should like to know whether the House would have heard anything about it if it had not been for the Newspaper Stamp Bill? If a copyright was proper to be had, the proprietors of newspapers ought to have it whether there was a stamp duty or not. The provincial papers took as much now from the London papers as they were ever likely to take; and, if it were necessary that they should be punished for that offence after this Bill should be passed, it was equally necessary that they should be punished now. But this clause was in reference to the pirates who were to come. They were possibly "looming in the distance." Let us wait and see whether they came or not. He was one of those who did not believe that there was this great army of pirates approaching against the London press. He was therefore prepared to abide his time, and see whether the emergency was so imminent as to necessitate this great change in their legislation. He doubted likewise whether, practically, it would be possible to accomplish the protection proposed for a narration of facts. It appeared to him from the article in *The Times* newspaper of that morning that they had great doubts themselves whether the Bill would be of any practical benefit to them. If it would be of no benefit to them—they being the parties who made the largest expenditure for news—it was clear that neither they nor any other London proprietors cared much about it. Indeed, they as much as said that if the halfpenny tax were only removed from their second supplements, the other newspapers might plunder them as much as they pleased. Thus, by the by, *The Morning Chronicle, The Daily News*, and all their other morning contemporaries, it appeared, might be plundered as well as themselves, if the cheap postage of 1*d.* for any size or weight were granted to *The Times.* Only concede this boon, and they would bid defiance to piracy. This apprehension of piracy, therefore, could not be very well founded. The editor of *The Daily News*, in his evidence, also stated, that nobody could complain if a provincial paper announced, as a fact, that a London journal said so and so. Now, here was a copy of the "morning express," which was sent down to Manchester that day by the hon. Member for Stoke upon Trent's company, and which was described as piratical:—

> "9 a.m., April 30. *The Post* believes that despatches were received on Friday from General Canrobert, and on Saturday from Lord Raglan through the new submarine telegraph, stating that the bombardment of Sebastopol by the allies had not been attended with such success as to justify an assault."

Was the statement that *The Post* thought or believed that such and such a despatch had been received to be considered as piracy? Well, this was the form of the announcements generally made by the Electric Telegraph. They ran thus:—"*The Times* says so and so—that Sebastopol has been taken," for instance. These were matters the circulation of which it would be impossible to stop. The London correspondent of a country newspaper searched the contents of all the journals, and telegraphed down to the provincial editor such portions of the news published in the metropolis that morning as he thought fit. The provincial editor received his intelligence from his correspondent, but did not know whence the latter had obtained it. The correspondent was a collector of the news brought to London by *The Times* from Vienna or elsewhere; he telegraphed what he read and heard; and, therefore, to make a provincial editor personally responsible, merely because he inserted a paragraph communicated by an independent source, and which might have appeared in some London morning journal, would be perfectly monstrous. Again, the power of evasion would be so great that it would be impossible to enforce the law without creating all sorts of vexatious litigation—a consideration surely forming a valid argument against any new legislation. Literary publications were, no doubt, entitled to a copyright, if they contained a series of letters—"Mrs. Caudle's Curtain Lectures," for instance, or any other—provided the proprietors registered those particular compositions, which, being produced from the mind of some individual, were entitled to the same protection as books. The right, however, to narrate a fact, when that fact had been previously narrated by somebody else, was a totally different thing. It was to be hoped, therefore, that the Chancellor of the Exchequer, seeing the difficulties incident to the subject which had occurred to the House, and considering that the danger sought to be guarded against was altogether prospective, would consent to postpone, for the present at least, the extension of a copyright to newspapers.

LORD LOVAINE said, that this was the first time in the history of this country when a copyright was asked for articles of the most ephemeral description, which were witten one day and forgotten the next; and certainly if the press of our day needed this protection it must have become weaker than it used to be. Recollecting what the daily newspapers assumed to be their functions, how they controlled, or attempted to control, Ministers of State, and interfered even in the operations of the army, affording information to the enemy on points which it was of the highest importance should be concealed from him—in which reprehensible practice, according to the statement of a late Cabinet Minister, they could not be restrained—it was rather curious that they should come before the House at that particular moment in the attitude of suitors seeking a copyright as a protection. It was a question whether, according to the law of England, any man had a right in another's wrong; for it was notorious that the press circulated calumnious accusations and vituperative charges against individuals who had no means of clearing themselves in the eyes of the public. Those charges were reiterated from day to day—some of them had even been repeated in that House in the face of the most solemn denial; and was it fitting that a right of property in articles of that character should be entitled to the protection of the law? Again, magistrates by the law of this country were not allowed to decide the commonest question of right—such matters must be referred to a jury; and yet in a case of this importance, where the newspapers exercised enormous and irresponsible powers, it was proposed that they should be permitted to go before such a summary tribunal to enforce their alleged rights. Why should not the persons whose characters were assailed and aspersed by the press have an equal right to go before a stipendiary magistrate, and obtain damages against the proprietor of the journal that had injured him? But further, it was the printer or publisher of a newspaper who was to sue for the penalty provided by this clause. Why should it not rather be the editor, the person who could prove by whom the articles the right involved in which was asserted were originally furnished? This Bill also proposed to relax the existing law for protecting private character from the anonymous libeller. Journalism in this country required the exercise of as much talent and ability as any other profession, and why, therefore, should not those who pursued it *bonâ fide* as an avocation do so boldly and openly before the world, claiming the credit and reputation due to them for the articles they contributed, instead of meanly skulking behind the shelter of anonymous writing? He would beg to propose the insertion after the words, "any colourable abridgment of the same," of a proviso limiting the operation of the clause to such original articles, paragraphs, communications, &c., as were signed by and published under the true names of the writers, with the exception of articles from foreign countries relating wholly or partially to the public policy of such countries.

MR. CHAIRMAN said, that the noble Lord could not move his proviso until the Committee had decided whether the clause should be read a second time.

THE SOLICITOR GENERAL: Sir, there are, no doubt, considerable difficulties involved in the question of a newspaper copyright; but at the same time, it would have been very improper if my right hon. Friend the Chancellor of the Exchequer, in introducing a measure like the present, had not attempted to deal with it. The subject is one which should be discussed upon its real merits, and stripped of all that species of misrepresentation in which hon. Gentlemen so much delight to indulge. There is nothing at all about news in the clause, and all these humorous statements which have been made represent that the clause is directed entirely to one object, whereas it is directed to another and a totally different one. If any one were desired to put his finger upon that portion of the literature of the present day in which, as a matter of composition, he may take a just pride, he might surely point to that which is called the ephemeral literature of the day—as if on that head it were less deserving of encouragement—and he would find that the greatest labour, expense, and anxiety are employed upon these sources of information. I desire hon. Members to ask themselves this question—is any one prepared to deny that, as soon as the change proposed by this Bill is effected, he does not expect that, day by day, a flood of publications will issue forth unstamped, paying no price for original matter, and feeding entirely upon the present established newspapers? I will ask my right hon. Friend the Member for Manchester (Mr. M. Gibson) whether he does not expect that there will be established newspapers appearing within a few hours —probably within one or two—after the publication of the London newspapers, containing the most important articles and communications, which the London press has gathered with infinite labour and vast expense? My attention has been directed to this subject from the personal experience I have had. Two or three years ago there was started a paper called *The Politician*, which appeared regularly every day, at half-past nine o'clock in the morning, and ready for the breakfast table. That paper consisted of all the leading articles in the morning newspapers, published some two or three hours earlier, and all the most important articles and statements of those papers. The newspapers combined in a body to put down that journal, but from the state of the law there was great difficulty in effecting that object, and I think it could hardly be accomplished. Now, what is the proposition of my right hon. Friend the Chancellor of the Exchequer? It is divided into two parts —first, the right of copyright which it gives; and then the remedy that it applies. I certainly agree with my right hon. Friend the Member for Manchester with regard to the remedy, that a great deal may be said in opposition to it. But the same may be said of every proposal which desires to accomplish that which cannot be attained without the sacrifice of much that we have been in the habit of considering as necessary to justice. A prompt, speedy, and economical remedy is desired, and in proportion as we desire this we must give up much of the dignity and what we have been accustomed to connect with the due administration of justice. It is said in the clause that there shall be a property in every original article, letter, paragraph, communication, and composition which shall be for the first time published in every newspaper in this country. This clause is distorted by representing that it introduces the word "news." This is the criterion of the offence:—

> "If any person shall, within twenty-four hours after the first publication of any original article, letter, paragraph, communication, or composition in any such newspaper, print and publish any copy of such original article, letter, paragraph, communication, or composition, or of any material part thereof, or any colourable abridgment or alteration of the same."

Now, the identity of the pirated copy with the original is to be ascertained in the same way as it is now ascertained with regard to larger and more costly publications—namely, by the identity with the language in which the communication is made. If the language of the original communication and that of the pirated copy are so plainly identical and so nearly resembling each other that it is impossible to mistake, that will be a common-sense criterion in the one case as in the other as to the fact of piracy having been committed. I am surprised to find my hon. and learned Friend the Member for Leominster (Mr. J. G. Phillimore) putting his finger upon the words "colourable abridgment," because, if my hon. and learned Friend is conversant with the law, he would know that these are the words which enter into every expression of the law as it now stands on this subject. The remedy is one that my hon. Friend (Mr. M. Gibson) ought to be the last to object to, since it is taken from an Act framed by a Manchester Protectionist—I refer to the Act of Parliament brought in to protect copyright of design. Yet you have no difficulty in committing to a stipendiary magistrate, or two justices of the peace, the difficult question of copyright of design, while you have a difficulty in trusting these justices with the opportunity of detecting what every man of common sense could point out, the piracy of a paragraph or article allowed to be copyright, and allowing them to say whether the language is not the same, or whether the language of the one does not so nearly approach to the language of the other that it might be said the one is a piratical abridgment or a colourable imitation of the other. I think that any justice of the peace could discharge that duty, and that this is the proper occasion for not allowing the present state of the law to pass without alteration, and to introduce some improvement in the existing state of the law. I think my right hon. Friend the Chancellor of the Exchequer has done nothing more than his duty. If, however, the Committee should generally think that the public interests do not require him to proceed further, he will no doubt be content with having suggested the improvement, and will not further press it.

Lord STANLEY said, that after the last few words which had fallen from the hon. and learned Gentleman the Solicitor General, it was almost unnecessary to continue the discussion, because he thought they could pretty well conjecture what was the meaning of those words. The real point they had to consider was, whether they could draw a distinction between news and original matter in a newspaper. He did not imagine that on the principle of the clause there was any great difference of opinion between Members on any side of the House. They had admitted a copyright in books, whether published anonymously or otherwise: and they ought consequently to be prepared to admit a copyright in all original compositions properly registered, whether anonymous or no. On the other hand, he supposed it would not be affirmed that the mere circumstance of making public a fact which had already taken place was a fair subject for a copyright. The question was, whether they could, by any legislative ingenuity, draw a distinction between the statement and the comment, between the simple narrative and the inference founded upon that narrative. He had not heard from the supporters of the clause the slightest attempt to solve that problem, and for his part he believed it to be absolutely insoluble. Admitting that a copyright could be recognised in the case in which an article had been copied word for word, how could it be recognised in the case of a colourable change of an article? They could not trust to mere similarity of argument, or to mere identity of ideas upon questions which were at one and the same time engaging the attention of hundreds of thousands of persons in the country. In that House itself they found every day Members, completely unconnected with one another, striking out the same line of argument, and working out that argument very nearly in the same language. He (Lord Stanley) had the honour to be a magistrate, and he confessed he should feel extremely perplexed at being placed in so invidious a position as to be called upon to decide so intricate and complicated a question. If you were to give a copyright of twenty-four hours, what would be the result? He would suppose a case that he himself had written a letter to a morning paper, which he wished also to appear in an evening paper of the same day. Why he and the printer of the evening paper could be legally made amenable, as the clause now stood. If you could distinguish between news and original matter, which seemed to him to be impossible, he would support the principle of the clause; but the distinction seemed to him one impossible to be drawn: he thought, therefore, the clause, if passed into a law, could not be administered; and should oppose it accordingly.

Mr. MONCKTON MILNES said, he hoped that before the Chancellor of the Exchequer withdrew the clause, he would give the Committee an assurance that he would devote his best consideration to devising some mode of reconciling different opinions on this point. There were few persons who did not feel in their hearts that som alteration of the present law was needed.

Mr. W. J. FOX said, that the great evil to be apprehended from the omission of some such clause as this from the Bill was, that the establishment of a cheap press, living piratically upon the existing newspapers, would lower the character of

English journals, and would destroy their superiority in obtaining extensive and accurate information, and in calling forth talent of the highest description for the public service. It could not possibly answer for newspapers to lay out large sums of money in obtaining intelligence from a considerable distance, if it were immediately to become the property of the public, or of individuals interposing between the public and the journal originally publishing it. The provincial papers, he considered, could not be deteriorated by the passing of the clause, as had been argued, for of course all the respectable provincial newspaper proprietors would make their arrangements with the London papers, who went to the expense of obtaining valuable intelligence. They would pay their fair share of the outlay so incurred, and it would be only fair that those who did not pay should go without the news until it became generally known to the inhabitants of the locality. The outlay for obtaining intelligence was enormous, and the sums paid for original compositions for our best newspapers were of very considerable amount; but what journal would consent to incur these heavy expenses if their best compositions could be immediately pirated by a swarm of cheap publications. Some time ago there was a weekly paper which made for itself a large circulation by getting early copies of all the other weekly papers, and transferring their best articles to its own pages. This no doubt would be the case with regard to the daily papers if the stamp were taken off, and the result would be a great falling off in that liberality and disposition to incur expense for intelligence or for talented compositions which now characterised our press. This would completely overbalance every advantage which the press might receive from the repeal of the stamp duty. At present the stamp duty did render it necessary that there should be a certain amount of capital and intelligence forthcoming for the establishment of a newspaper, and a certain degree of talent displayed in its management, but, without some such clause as this, all would be pulled down to one common level. Much had been said of the American journals; but he should be very sorry to see our journals brought down to their level, either in news, original composition, or in anything which conduced to the value and dignity of the press. With regard to anonymous writing, it was not generally from any desire on the part of the writers that such a system was adopted, but simply to suit the convenience of those arrangements by which several writers were made to co-operate together for one purpose, the editor or proprietor being put forward as the responsible person. It must not be forgotten that the letters of "Junius" were anonymous contributions to a newspaper; as were the letters of "Runnymede," which in their time had also produced considerable political effect. Coming to more recent times, was it not the articles in the press which had first created that impression on the public mind with respect to the conduct of the war which had called for and compelled the inquiry now in progress; and had it not been for the press, should we ever have had a chance of unravelling any of the causes by which our gallant army in the Crimea had been brought to so sad a pass? The country was under great obligations to the newspaper press, and its progress was an object which every Englishman ought to prize and endeavour to promote. With regard to the difficulties which it was said stood in the way of enforcing the law of copyright, these, he was of opinion, might be met. The legal opponents of the clause allowed its abstract justice, though why it should be called "abstract" justice he could not see, since it affected the pockets and interests of a large body of respectable persons. The Chairman of the Electric Telegraph Company (Mr. J. L. Ricardo), he perceived, was about to follow him, and perhaps the hon. Gentleman would tell them how his Company came by the news which it disseminated over the country. Was it their own agents who collected news for them at Vienna, and did they then communicate it to the leading journals? If it was not so, he did not see what greater right they had to make a profit of this news than a clerk in the Post Office would have to take advantage of the contents of any private letter which came under his notice; but if it were as he had described it, he could not sufficiently admire the generosity of the Company who spread so much news gratis throughout the country. He hoped some mode would be devised of establishing newspaper copyright, otherwise the House would inflict an injury on the press which would go far to destroy the benefit intended to be conferred on it by the abolition of the stamp.

Mr. J. L. RICARDO said, he could not allow the insinuations contained in the latter part of the hon. Member's speech to pass without an immediate answer. The hon. Member seemed to think that the despatches which passed through the telegraph were intercepted by the Telegraph Company on their way to the papers, and used by them for their own purposes. Now, the principle on which the Electric Telegraph Company had always been conducted was, that every despatch intrusted to them was delivered to the person to whom it was addressed, without any one, except the clerk through whose hands it passed, being aware of its contents. So soon as any intelligence, received in any manner, was published in the newspapers, it was immediately transmitted by the Electric Telegraph Company to every part of the country. When the list of the killed and wounded at the battle of the Alma arrived in this country, before half an hour it was transmitted by the telegraph to every principal town in the United Kingdom—to Aberdeen and Glasgow on the one hand, and to Plymouth and Exeter on the other; and he should certainly look with very great alarm on the passing of any law to prevent the transmission to all parts of the country of news of such universal interest. The Electric Telegraph Company purchased a copy of *The Times*, in which such intelligence was recorded, and they telegraphed it down to every town in the country; but, if they were not to do that, if there were no telegraph, then *The Times* would be sent down five or six hours after, and the article itself would be extracted and posted in the Exchange-rooms, or wherever the place might be, just exactly in the same manner as it would have been had the Electric Telegraph Company transmitted it. The only difference was, that the public saw the intelligence some hours before they otherwise would do, and the injury done to the papers was the same; it was neither more nor less, and the public enjoyed all the benefit of the transmission by telegraph. It was a distinct rule with the Electric Telegraph Company, that nothing should be transmitted that had not been previously printed in the newspapers. The Company did not take on themselves the responsibility of transmitting anything on their own authority, but, as had been explained by the right hon. Member for Manchester (Mr. M. Gibson), they stated that they transmitted from *The Times*, *The Post*, or *The Herald*, certain intelligence of great interest which the public ought to know at once. He thought that the Committee ought to pause, even if the Chancellor of the Exchequer had not set them the example of pausing, before they passed any such law as that involved in the present clause. It was not for the interest of the Telegraph Company that this clause should not pass into law; he as a public man should vote against the clause, but, as far as his private interest as chairman of the Telegraph Company was concerned, nothing could be more advantageous than that this clause should pass, because the public must have intelligence, and if one corn merchant wanted the prices of wheat at London or Dantsic, others also must have it, and if the Company were not allowed to transmit from *The Times* the prices current, to take which, of course, under the present clause, would be piracy, in such a case each individual merchant would have to transmit a private message for the prices. This would be of great advantage to the Telegraph Company, but a great disadvantage to the commercial interests of the country. He did not share in the alarm of the hon. Member for Oldham (Mr. W. J. Fox), and he must confess that he could not understand why taking the stamp off rendered copyright protection necessary now if it was not necessary before. They had been told by the hon. and learned Solicitor General that Manchester would be flooded by a number of small newspapers containing the news of the London papers; but these small newspapers could not afford to have intelligence transmitted through the telegraph; they could only take it from the Manchester papers, which must, as at present, obtain their intelligence at some cost, and from them, at third, not first hand, the cheap papers would be obliged to take their intelligence. But, when the hon. Member for Oldham, in these days of penny encyclopædias and cheap publications, told them that because papers were cheap they must deteriorate the press of this country, and that their articles must be injurious, he (Mr. Ricardo) had mistaken the hon. Gentleman's liberality in these matters, for he apparently did not think cheapness compatible with utility. He (Mr. Ricardo), so far from thinking that this measure would render the periodical papers cheap and injurious to the morals of the people, believed nothing would tend more to elevate their morals. He believed, moreover, that the public could discriminate between what was good and what was bad. They were the best judges of what they ought or ought not to buy and to read, and it was not for that House to decide for them.

MR. BENTINCK said, that the hon. and learned Gentleman the Solicitor General, speaking with more candour than courtesy, had disposed of all the arguments used on his (Mr. Bentinck's) side of the House against the clause, by stating that they were mere "misrepresentations which Gentlemen on that side of the House delighted to indulge in." Without troubling the House with a repetition of these arguments, he would tell the Solicitor General that it was he who had misrepresented the arguments used on his (Mr. Bentinck's) side of the House. The Solicitor General had also stated that part of the due administration of justice must be put on one side, in order to carry out this clause. This, coming from so high a legal authority, was a conclusive argument against the clause, and after such an admission there could be little doubt as to how the Committee would deal with it.

MR. BRIGHT said, the hon. Member for Pontefract (Mr. Milnes) had by his notice on the paper raised so many puzzling questions for the Government, that he was afraid his hon. Friend wanted to coax them to try some other scheme, and he (Mr. Bright) had risen to express an opinion that, as the Government had already so many puzzling questions before them, they had better not unnecessarily involve themselves in another. The Committee, he believed, agreed that all persons who carried on, or were connected with, newspaper making, should do so in a way which would be remunerative to themselves, but it did not follow that it should be made remunerative by a clause so embarrassing as the present. If they took the paper which of all others had done most to circulate intelligence, which had expended the largest sums to obtain it, and which of all others was, from the value of its information, most liable to piracy, the House would find that there was no necessity for a clause of this kind, for it had been for years the most profitable business speculation that any number of men could have followed. He alluded, of course, to *The Times*. It had no reason to complain of this measure, neither had it made any complaint, but it had used this question as a leader to complain of something else which might be a grievance. At this moment, with *The Times* at *5d.*, surely, if there had been any chance of success, a paper could have been brought out at *2d.*, paying the stamp, and containing all that one desired to see; but such a paper could not be established, and, if it could, it could not restrict the sale of *The Times*. He (Mr. Bright) coming from Manchester, could not obtain *The Times* till he reached Rugby or Wolverton, and when in town, residing in St. James's Street, he could not obtain it till twelve or one o'clock, and one day, when he sent from his club to buy one, the newsvender told the boy he could not get a copy, and that he would give him 1*s.* for every copy he could obtain. Here, then, the House had a paper bringing news from all parts of the world, and nothing had hitherto withheld parties from pirating its leading articles and communications, publishing them in a paper at *2d.*, and paying the stamp. This had, indeed, been attempted by several papers, but had failed; one of them had been audacious enough to take an office next to *The Times*, but they did not let *The Times* know what they were going to do; and even made a contract to obtain steam from the boilers of *The Times;* so that they were going to obtain the steam of *The Times* in more senses than one. This paper, if it came out, did not last for many days, and he defied his hon. Friend the Member for Oldham (Mr. W. J. Fox) to point out an instance in which an attempt of this kind had succeeded. They had heard a great deal said about the American papers, and he generally found that when Gentlemen were in a difficulty as to what they should say on this question, they always had a kick at the American papers; he was sorry that he had not with him a paper which he had at home, containing a list of 300 persons employed on *The New York Tribune*. They had no copyright in America, and they never heard any complaints of piracy from *The New York Herald, The Courier,* and other American papers; the whole thing was a delusion, the people liked to buy what they wanted at first hand—this was so in America, and would be the same in this country. The piracy question had been got up for the moment for the purpose of preventing Members of this House from looking with favour on the Bill brought in by the Chancellor of the Exchequer, or that which was introduced by his predecessor the right hon. Member for the University of Oxford (Mr. Gladstone). The last time he (Mr. Bright) addressed the House on this subject, he read a paragraph from *The Globe,* copied from a Cambridge paper, which was hot on the subject of piracy, and it stated that those gentlemen who had been most concerned in the repeal of the stamp were preparing to bring out a paper, to engage in this buccaneering kind of business, and by inference charged him (Mr. Bright) and hon. Members who sat near him with this intention. The paragraph was placed in a prominent part of the paper, and everybody could see the indignation which existed in the mind of *The Globe*, if *The Globe* had a mind, as to the question of piracy, but he took the liberty on that occasion of pointing out to the House that *The Globe* was the most expeditious, universal, and incessant pirate they had in this country. This clause, if passed and carried, would suppress *The Globe* altogether; and what did *The Globe* say when it was proposed? It looked at the question then from an entirely different point of view. That paper published a leading article against this clause infinitely more forcible and more logical than anything it had said before in favour of such a provision, showing conclusively that the clause would be most injurious, and, if it were operative, most unjust. The concluding paragraph was very judicious, and entirely agreed with his view of this matter. *The Globe* said—

> "Our own opinion is, that the reputation of journals for priority of intelligence, and originality and vigour of writing, will prove their best protection. There is no pirating such a reputation; and little fear from piracy for those journals which have not acquired it."

The Solicitor General had made some allusion to piracy which he said was being practised in the city of Manchester, and *The Times* of that morning had an article in which great indignation was evinced at a threepenny paper there which published news appearing in *The Times*. That paper was about the size of *The Globe*, and would no doubt be published at a lower price when the stamp was abolished; but he would undertake to say, there was no person connected with *The Times* who would declare that one single copy of that journal the less was sold in Manchester in consequence of these smaller papers which took portions of its news. It so happened that the paper in question had the news of the battle of the Alma just one day before it was published in London, and *The Manchester Guardian*, *The Manchester Examiner*, *The Leeds Mercury*, and papers of that class, frequently had very energetic and able correspondents in some portions of the Continent, so that it did not follow that because early news was published in Manchester it must necessarily, therefore, be taken from the London papers. A piece of intelligence appearing in the Manchester press might have come direct from Vienna, though it might be almost the same as that in *The Times*; and was *The Times* to be armed with power to send down to Manchester, and drag these respectable editors before two justices of the peace? The whole question had been torn to pieces, and shattered by the discussions which had taken place that evening; and he hoped the Chancellor of the Exchequer would agree with the Committee, and the Committee would agree with him, that the Bill should pass without any of these obnoxious clauses. He was satisfied that, if adopted, they would, if not inoperative, be injurious, and that next Session they would come before the House for repeal.

THE CHANCELLOR OF THE EXCHEQUER: I apprehend, Sir, there is no doubt that, by the law as it at present stands, newspapers do enjoy a copyright for the original articles and other paragraphs inserted by them. In law, I conceive, it makes no difference whether a publication is anonymous or appears with the name of the author. It is a new doctrine—new to me at least—which I have heard preached to-night, that it is necessary, in order to enjoy a copyright, that the name of the author should appear. Take, for instance, the case of an encyclopædia. An encyclopædia publishing anonymous articles unquestionably enjoys the same copyright as a poem, a history, or an original work published with the name of the author. It has, however, been found in practice that the greatest difficulties exist in enforcing the legal claim to copyright which a newspaper enjoys. A newspaper proprietor can neither, in effect, apply to a court of equity for an injunction to prevent the publication of an article, when that publication is so ephemeral, nor can he, with any probability of success, enter an action for damages. In introducing a measure, therefore, by which the number of cheap newspapers would be largely augmented, it was felt by Her Majesty's Government to be a matter of common justice to the proprietors of existing newspapers to give them an effectual remedy by which their present rights might be enforced. With that view the clause now under the consideration of the Committee was prepared and submitted to them, as it was thought but just to guard the rights and interests of existing newspapers. But, Sir, after the manner in which that proposition has been received on both sides of the House, I do not consider it is incumbent upon me to urge the matter further, and I shall not, therefore, press the clause upon the Committee. The object which I had in view was, that this question should be fairly considered by the Committee, that they might see what was the existing state of the law, and how far it met the circumstances of the case. If they believe that there is no danger of considerable abuse, and if they prefer to wait until the effect of the present measure has been felt and developed in practice, so as to see whether any additional remedies are needed, I can make no objection to that course, and therefore I shall not think it necessary to press this clause.

Mr. DISRAELI: I am very glad, Sir, to hear the right hon. Gentleman has come to the conclusion of withdrawing the clause. He has told us that as the law now stands newspapers have a right to copyright. No doubt there are many rights which exist at present, but which are never asserted. There is the right of free warren, for instance. I know many individuals who possess that right, but I do not suppose there is any one who would exercise it. The hon. Member for Manchester (Mr. Bright) has spoken of our press as compared with the American press, and has alluded to the fears of those who apprehend that very injurious consequences are about to ensue to our press in consequence of this measure becoming law. Now, I believe myself that the tendency of this alteration in the law is to assimilate the press of this country to the American press. But the tone of the American press is not occasioned by laws of this kind, but that tone is lower than the tone of the English press because it is the press of a younger country, and, therefore, there are many influences at work in England which have elevated, and which will raise for a considerable time, the tone of the English press. But the tendency of this legislation is no doubt to lower the tone of the English press, because that tendency is to lower its enterprise, the amount of capital invested in it, and the degree of talent enlisted in the exercise of its functions. We have, however, at the present moment opportunities of counteracting to a certain degree what we may consider the injurious effects of the proposition of the Government in this particular case. I think we are bound, if we do not admit a copyright—and I am myself opposed to any such admission, because I think that, in the first place, it is on a great scale impossible, and in every respect vexatious—I say, I think we are bound to facilitate as much as possible the competition of the newspaper which invests and employs a larger capital, and which engages a greater amount of talent than all those journals which are in a very different and contrary position. My own opinion is, that the proposition of *The Times* newspaper, which has been alluded to this evening by one or two Members in a certain spirit of derision, is a just and sound proposition; and if you say that you will give no copyright to a newspaper at present existing, you are bound to facilitate in every possible manner its means of competition with all other journals which may pirate its news and its intellect. At the proper time, therefore, I shall support that Amendment which will propose that newspapers should circulate by the post without any limitation as to weight. I think, under these circumstances, you will be able to remove to some extent the injustice which must necessarily be committed, and which no one can doubt in theory exists as regards the newspaper which invests capital and engages talent, when placed in opposition to the journal which does neither the one nor the other. But, practically, will it happen that an established London newspaper existing on the present scale will suffer by this kind of competition? I doubt it. At the present moment—as has been remarked almost to surplusage in this discussion—the system of piracy exists. At a club you may receive information of what occurs in this House this very evening. You can get the condensed news of the debate there, but does that prevent you from taking in the morning paper which gives you that debate more at length and more authentically? The same thing occurs when you come to compare the circumstances of a distant town with those of the metropolis. The public will, depend upon it, always go to the fountain head. There is no possibility by any piracy, or by cribbing in the contemptible mode in which all these forms of larceny are executed, of your competing with the original article—that which appeals to your sentiment, your reason, and your sense of utility in a thousand ways in which the stolen article is deficient. And I feel persuaded that we shall not in the long run lower the tone of English journalism provided we study, by every possible means, to facilitate the communication of intelligence. I am asked to give a copyright in news. Now, my idea is, that it is my duty to facilitate the communication of intelligence, and, in order to facilitate the communication of intelligence, I must not give a copyright in news, but rather devise some mode by which intelligence can be circulated so that the largest number of people in the country can become acquainted with it. An hon. Gentleman, anticipating that the principle of copyright in newspaper literature might be conceded, has ventured to maintain that the only condition on which that principle ought to be conceded is, that no copyright should be allowed in the case of anonymous literary compositions. By the present law of England, we do not in point of fact give a copyright to an anonymous writer, because it is the possessor of a copyright, and not the creator of a copyright, who by our laws possesses a vested right in the composition. I am far from inclined to throw any discouragement upon the proposition of my noble Friend the Member for North Northumberland (Lord Lovaine); indeed, I have more than once had the pleasure of conversing with him on the subject. No doubt there is something that recommends itself to every manly mind in the principle that every one should be responsible for the sentiments he expresses, but if you come to practice, it is very doubtful whether you will be able to secure that result. What law can you devise by which you can secure that the writer of a leading article in a journal should certainly be known to every one who reads that article? You may pass a law making it incumbent that a name shall be signed to each article in a newspaper; but what name will appear? How can you secure that it will be the name of the writer? No doubt there are circumstances under which such a law would increase the authority of the press. The writer who bears an illustrious name would not hesitate to sign it, and thus increase the influence of the article and the circulation of the journal; but the writer who does not bear an illustrious name, though he may sign one that may become celebrated, will hesitate before he signs it; and you may have a formal and technical signature, but one utterly inoperative for the purpose you require, and the result will be far from bringing under your scrutiny and supervision the names of those you suspect or wish to become acquainted with. My noble Friend has spoken to-night of what he terms the calumnies of the public journals of this country. My noble Friend thought himself justified, no doubt, in the remarks he made, from certain circumstances which may be fresh in his mind and memory; but I think, on the whole, that my noble Friend expressed an opinion that cannot be justified with regard to the newspapers of this country. That they may be arrogant, that they may employ the liberty which, fortunately for this country, they possess, in a manner which some of us may often regret, is very possible; but that the general tendency of their labours is to maintain the public spirit of the country and to guard and uphold the public liberties, I think no impartial person can for a moment doubt. Several hon. Members, and particularly an hon. Gentleman opposite, have referred to-night to anonymous writing. Why, Sir, anonymous writing is not the exception, but it is the rule of the literature of this country. It does not apply to political literature alone, but it applies, on the contrary, to the whole of the literature of the country. Who wrote *Thomas à Kempis?* Nobody knows. Who wrote the *Whole Duty of Man?* Now, there is a book which every one of us ought to have studied—which for generations our predecessors have studied—which has had more editions than any book in the world, and which is not a scandalous book, a libellous book, or a political book, but which is an anonymous book. I noticed some anonymous works that occurred to me when the hon. Gentleman was speaking, and leaving the higher order of literature—religious literature — *Thomas à Kempis* and the *Whole Duty of Man*—let me ask who was the author of *Waverley?* An anonymous writer. Who was the author of *Robinson Crusoe?* An anonymous writer. Who was the author of *A Vindication of Natural Society?* Why, one who became afterwards one of the most brilliant ornaments of this House, to whom we are always referring as the most eloquent of orators, the most profound of sages, and if we mention him as a statesman it is only to abuse the Whigs for not having placed him in the Cabinet—I mean Mr. Burke. What are the most brilliant performances of political literature? What are those works that were written by one who in this House occupied the highest post, whose name will ever be remembered, and whose oratory, though a tradition, still lives in the memory of the nation—I mean Lord Bolingbroke. What are Lord Bolingbroke's works? All those works which we are continually quoting are anonymous. When told of anonymous writing, I referred naturally to the most brilliant and permanent creations of the imagination—and I remembered that one of the finest poems in the English language—the *Essay on Man*—was an anonymous work. Really, therefore, when we remember these instances which have only this moment occurred to me, and recall the hundred other examples which might be collected, it is too absurd, in speaking of anonymous writing, merely to appeal to the leading articles of a newspaper, or to the political letters to which the hon. Gentleman has referred. I cannot help thinking that in effecting a very great change, which in its original conception I believe to have been just, but which, as applied by the present Government, seems to me to be uncertain, cumbrous, and unsatisfactory, we have in this instance to combat and meet a difficulty which it is in vain for us to cope with. We cannot give to the rumour, or to the whisper of the day or of the hour, even if authentic, the same permanent privileges which we would give to an epic poem or to one of those histories which are possessions for ever. We are bound to give to the communication of intelligence the utmost facilities which the law will permit, and the provisions of this Bill, which are to limit and restrict the circulation of newspapers or works, on which so much intelligence is expended, so much talent employed, and so much capital employed—the attempts to restrict the privileges of the Post Office according to the weight of the paper, by singling out the particular qualities which make it interesting to the multitude, are, I think, not to be tolerated. But while you assert that all the news a journal circulates, all the charms of thought or expression it may diffuse, cannot have that miserable privilege and monopoly of a few hours which has been suggested, while you assert that that would be incompatible with our civilisation and the age and manners in which we live, at the same time it is intolerable and not to be endured that we should by artificial restrictions hamper the circulation of intelligence. Let me impress upon the Committee that it is our interest that the newspapers in this country should be supported by the capital and fed by the intelligence of the country, because it is only by this mode that we can retain the superiority of the English press, and maintain that superiority over the American newspapers to which hon. Members have so often referred during this discussion.

Lord LOVAINE said, he must beg to explain that he had not proposed to compel the authors of any articles, except those who claimed the right which would be conferred by the present clause, to sign their names. No man was more ready than himself to acknowledge the talent which was displayed by the writers in the public press, but it was the maxim of English law that no man could have a right in another's wrong, and upon that principle he thought that leading articles in a newspaper which contained libellous matter upon individuals ought not to come within the protection of the law.

Mr. J. G. PHILLIMORE said, he did not think that the *Essay on Man*, referred to by the right hon. Gentleman (Mr. Disraeli) was published anonymously, and as to *Thomas à Kempis*, he would beg to inform the right hon. Gentleman that it was written by Thomas à Kempis, the author of another treatise entitled *De Imitatione Christi*.

Mr. DISRAELI said, he was sorry that the hon. and learned Gentleman disagreed from him, but he had in his possession a copy of the first edition of the *Essay on Man*, and he could state that it was published anonymously. Who Thomas à Kempis was he thought no one had ever known, but if the hon. and learned Gentleman could inform him he would be much obliged for the information.

Clause *withdrawn*.

Mr. MONCKTON MILNES said, he would now beg to bring forward the clause of which he had given notice. He felt himself in a peculiarly difficult position in moving this clause, because his right hon. Friend the Member for Buckinghamshire (Mr. Disraeli) had, in dealing with another subject, anticipated almost everything he had intended to say with regard to it, and compelled him in a great measure to rely upon his arguments. The immediate object of the clause which he held in his hand was to take as the measure which might be transmitted through the post for 1*d.* a standard rather above that of the paper which had the largest circulation. He might be asked why he had chosen dimension rather than weight. To that he would reply that in such cases weight was uncertain, and if the Act became one of a permanent character, under the competition which it might give rise to there might arise circumstances connected with the manufacture of paper itself which would render weight no criterion as to the amount of matter contained, and he had, therefore, felt it to be his duty to shape this clause in accordance with the 17th of Victoria, cap. 3. He found that his right hon. Friend the Member for the University of Oxford, then Chancellor of the Exchequer, when he brought in a Bill to alter the Stamp Act, had thought that it was only justice to take as the measure for transmission by post the dimensions of the largest paper then in circulation, and he (Mr. Milnes) now asked the Committee, in altering the present law, to take as the measure of dimension the largest paper at present in circulation. It had been said that it would be much better not to enter on the question of weight or dimension, but to allow any daily paper to be transmitted by post for 1*d.*, without regard to its weight or size; and it had been argued that by confining that concession to the daily papers it would be without the range of possibility that any very extraordinary weight would be imposed upon the Post Office. In reply to that opinion, the *argumentum ad absurdum* had been used, and it had been asked whether, if the editor of a newspaper chose to wrap himself up in a copy of his own journal, he would be conveyed through the Post Office for 1*d.*; but the argument which really most weighed with him was, that he did not see how such a concession could be made to the daily papers alone without acting most injuriously and unjustly upon and against the provincial and weekly papers, and upon that consideration he had felt that he could not fairly argue the question upon the ground of conveying the daily papers through the post for 1*d.* without any limitation whatever as to their size. He hoped that the Government would not have any objection to lay it down as a principle that the daily papers of the metropolis, which had by their diligence, exertion, and ability raised themselves to the position of distributing over the whole length and breadth of the kingdom an amount of intellectual matter never produced in the same way in any other nation, should enjoy a full share of justice, and that their chances of circulation should not be diminished at a moment when power was being given to very large papers to circulate an unlimited number of copies within a certain radius without going to the expense of a stamp. This was, he thought, a matter of simple justice to newspapers which Members of that House had become accustomed to look upon almost as political rivals, and of which it was impossible, however one might disagree from the principles contained in them, to think without respect. All that those papers asked for was, that they should not be placed in an unfair position, but that they should be allowed a reasonable chance of keeping up the high intellectual position which they now enjoyed. The late Chancellor of the Exchequer (Mr. Gladstone) stated the other day that the question of weight was at present so nicely balanced that the railways were unable to carry into the country by the early trains a complete supply of *The Times;* that portion of the paper containing news being sent by the early trains, and the supplement by later trains. He (Mr. Milnes) had made inquiries on the subject, and he found that, though the fact was true, the inference was entirely false. The question was one depending altogether upon the manipulation of newspapers; and now, when the circulation of newspapers was so considerably increased, in consequence of the war, the difficulty of manipulating the large number of *The Times* required to be transmitted by the early trains was too great to be overcome, and it was solely on this account, and not in consequence of the excessive weight, that one portion of the paper was conveyed by one train and the remaining portion by another He did not think that, if the present Bill should be passed, it would have the effect of destroying or even seriously injuring the great metropolitan journals, for he believed they had sufficient energy and power to overcome any difficulties to which they might be subjected by the measure. Hon. Gentlemen were aware that when, during the last century, a penny stamp was imposed upon periodicals, it was predicted that such publications would be destroyed; but the *Spectator*, though shaken temporarily, not only survived the blow, but rose with redoubled vigour; and in the very last article, in the seventh volume of the *Spectator*, Sir Richard Steele congratulated himself that that paper, by the buoyancy of its own merit, had attained an enormous circulation in defiance of the stamp. Although, however, the *Spectator* of that day, and the best periodicals of the present day, might possibly survive such an injury, it was impossible to avoid the reflection that the *Spectator* might have had a tenfold circulation if it had not been subjected to that stamp. He had no doubt the newspapers of the present day would derive great advantage from the abolition of the stamp which now limited their circulation, and he asked the Committee, as a matter of public policy and justice, to assent to his proposal. He did not ask a privilege for one newspaper or another, but he asked them to enable every newspaper, metropolitan or provincial, to rise to the same height of intellectual merit, to deserve the same public attention, and to exercise the same influence over the country as had been attained and were exercised by the leading journals of the metropolis. He asked them to assent to his proposal in recognition of the merit of those great newspapers which formed their daily delight. If they neglected this opportunity they might have cause for permanent regret hereafter, when they discovered that they had destroyed or damaged an important means of promoting the intellectual advancement of the country.

"Every periodical publication that shall be printed and published at intervals not exceeding seven days between the two consecutive parts or numbers of such publication, and the superfices of which shall not exceed three thousand five hundred inches of printed matter, shall be entitled to the said privilege of transmission and re-transmission by the Post, if duly stamped with the appropriate die of one penny: Provided always, That such publication shall be subject to the terms and conditions imposed in the third Clause of this Act."

Clause *brought up*, and read 1°.

Mr. COWAN said, he thought he owed an apology, or at least an explanation, to the Committee for not having pressed the Amendments of which he had given notice. Having found, however, that those Amendments were unpalatable to the Government, that they were objected to by the late Chancellor of the Exchequer (Mr. Gladstone), and also by the noble Member for King's Lynn (Lord Stanley), whose manly and independent conduct on this question did him great credit, he felt it would have been very unwise on his part if he had pressed them upon the attention of the Committee. He thought, considering the various parties whose interests were affected, and taking into account also the transition state of the Post Office in connection with the duties it was called upon to discharge, that that House was a very unfit tribunal to determine what amount of weight or charge should be fixed, and that the subject was one which should be left to the decision of the Executive Government. He imagined that the Government would not be disposed to assent to the Motion of the hon. Member for Pontefract (Mr. M. Milnes) now under the consideration of the Committee, which seemed to be based upon the assumption that the State must convey by post any amount of weight. There were newspapers in existence, such as *The Illustrated London News*, with its supplements, which weighed as much as ten ounces, and if the Committee agreed that newspapers of the dimensions of 3,500 inches should be carried at a rate of one penny, he did not see why they should not go a step further, and convey such papers as *The Illustrated London News* at the same rate. He wished to call the attention of the Committee to the enormous weight of newspapers the Post Office now carried, as contrasted with what was the case forty or fifty years ago. He found, from an article in *The European Magazine* of 1808, that the number of newspapers in England in 1782 was fifty-two; in 1790, sixty; and in 1801, 135. The number of newspapers in Scotland in these respective years was eight, seven, and thirty-one; and in Ireland, three, nine, and fifty-six. The circulation of the London morning papers in 1808 was 16,000; of evening papers, 14,000; of Sunday papers, 25,000; of weekly papers, 20,000; and of others, 10,000; making, as the writer of the article observed, the "enormous number" of 85,000 newspapers, using five tons of paper in the course of a week. There was another article on the subject in *The European Magazine* of 1822, when the circulation of *The Times* was stated to be 5,700. The average daily circulation of that journal at the present time was stated to be 60,000. The circulation of *The Observer* in 1822 was stated to be 6,860, of *The Morning Chronicle* 3,180, and of *The St. James's Chronicle* 3,700; and the writer of the article, after referring to the circulation of other journals, goes on to observe that the result presented an extraordinary proof of the activity of the periodical press. How would the writer have been astonished if he had seen the progress that had been since made in extending the circulation of the newspapers! Instead of the consumption of paper by the London press being five tons a week, as was the case in 1808, it was now between 130 and 150 tons weekly. He believed *The Times* alone, published on one sheet, would consume twenty-five tons of paper weekly, and if published on two sheets, the consumption would be annually 48,000 tons. Now what was done towards despatching this enormous weight of newspapers by railway? It was stated before the Committee, which had considered the subject of the conveyance of mails by railway, that last year the average weight of the mails that left London daily was 279 cwt., of which 219 cwt. consisted of newspapers. It was clear that if the weight of newspapers sent by post continued to increase, duties would be thrown upon the Post Office which could not be properly discharged, and very considerable delay must probably take place in the transmission of the mails, notwithstanding the ingenious contrivances that had been adopted for depositing the mails at the various stations without materially checking the speed of the trains. It appeared to him, then, very important that the House of Commons should impose such a rate of charge for conveying newspapers as would duly remunerate the Post Office for the service it was called upon to perform. He believed that cheap newspapers, of a small size—about the size of those published twenty or thirty years ago—would be of great advantage to some classes of the community, for the newspapers now published, however ably conducted, were inconveniently large. If we were to have cheap papers, why should we impose so high a postage as 1*d.* for what perhaps might not weigh more than one ounce? He was much disappointed at the Government not taking the plan which he had pointed out to them into their favourable consideration, as he believed it would have proved beneficial to the press, to which this country owed so large a debt of gratitude. The adoption of the universal penny receipt stamp was likely to prove highly advantageous to the revenue; and this fact ought to encourage the Government to make at least an experiment in the way of cheap postage for newspapers.

LORD STANLEY understood that the principle which his hon. Friend (Mr. Milnes) wished to affirm was this—that everything in the shape of a newspaper should be transmitted through the post at the same charge of 1*d.*, altogether irrespective of its bulk or weight. That he understood to be the principle of his proposal, because, though he took a limit, he took one that would cover the size of the largest newspaper now known, and he was prepared to increase the limit indefinitely so as to cover the largest size that could be published. He agreed with his hon. Friend when he said this was a question of simple justice; but he did not think that justice lay on the side which his hon. Friend contended for. The Committee could not deal with this question as if it were personal to any particular journal. If they did so, they would be acting on no sound basis of ascertained principle, and the result would only be inextricable confusion. He understood the principle of the Bill before them to be generally this—that, whereas formerly we had a tax on newspapers imposed on certain conditions, we were now asked to abolish that tax and substitute for it a simple postal charge. A tax, properly so called, might be in itself unequal; it might fall more severely on one class than on another; and yet that inequality, the result of the incidence of the tax, might be balanced by countervailing advantages, which would make an apparently unfair tax fair in reality. A postal charge, on the other hand, was the result of a contract between the Government and the public, by which the Government undertook for a certain compensation to perform a certain service. Now, what we were bound to observe in such a case was, that the charge imposed should always and in every case be proportioned to the service rendered. That was the fair principle of a contract, and we were especially bound to adhere to it in regard to such contracts as those between the public and the Post Office, where the latter possessed a legal monopoly. Now, what his hon. Friend proposed was to carry any weight to which a newspaper might extend through the Post Office at the same price—an unlimited weight to be carried for an unlimited number of miles. Would he apply that principle to all printed matter and to all letters as well? It was laid down clearly the other night that we desired neither to give the newspapers any advantage on the one hand, nor to put them under any disadvantage on the other, as compared with other matter passing through the post. If we carried them on terms exceptionally unfavourable we were taxing them, which the House had declared its intention not to do; if we carried them on terms exceptionally favourable we were subsidising them, which would be equally impolitic, and, in regard to other interests, most unjust. Or was it proposed to carry this principle to all printed matter and to all private documents? [Mr. MILNES: No.] Then it would be unnecessary for him to argue that question. But let the Committee recollect that a letter weighing under half an ounce was sent for 1*d.*, while the largest newspaper printed, and weighing nearly six ounces, was to be sent also for 1*d.*, according to the proposition of his hon. Friend. Thus the privilege given to the newspaper was twelve times greater than that given to the letter, and, in addition, there would be the privilege of retransmission. The newspaper might pass six times through the Post Office in the week; and these two being multiplied—the weight by the quantity—it would be found that we were conferring on the newspaper seventy-two times the amount of postal privilege we were conferring on the letter. He did not see any argument of justice or sound policy that could be urged in favour of such a proposal as that. If he were asked what principle ought to be acted upon in the matter, he should have no hesitation in laying it down, with this qualification in practice, that they had to deal with vested interests, and that at the present moment they could not afford to incur any unnecessary loss of revenue. The fair principle, he thought, was this—to carry a certain quantity, say four ounces, of all matter, whether printed or manuscript, for the same sum of 1*d.* Let there be no distinction between printed matter and manuscript letters, but let them all be carried equally at the same rate. He was speaking of what, in justice, ought to be done; but in dealing with the subject, under present circumstances, we must remember that we could not afford to lose any revenue—though, if we came to argue that point, it might be found that the additional revenue derived from letters weighing upwards of half an ounce was less than might be supposed, and, therefore, that that difficulty might not be so formidable as some people imagined. For the present, however, they must leave the postage of letters alone, anomalous as it might be. We should also have to tolerate another anomaly, and that was the privilege of retransmission. Already we were sending eight times the weight of newspaper matter through the post for the same price at which we sent manuscript matter under half an ounce, and that eightfold advantage we added to by sending the newspapers during the week for as many times as their owners pleased. He thought, therefore, that sufficient allowance had already been made for the interests of journalism, and that, if these privileges were further extended, the Committee would only be stultifying former legislation by re-enacting privileges which they had only a few weeks before formally abolished.

MR. LOWE said, he was sure that the Committee would believe him when he stated that he ventured to address them upon this subject with great reluctance, and that he should not be induced to do so did he not believe that he could give them some little information with regard to it. He apprehended the principle on which they were to decide this question was not that laid down by the noble Lord who had last addressed them. The noble Lord had argued the question as if they were about to establish a totally new principle for the conveyance of printed and written matter through the Post Office. It might or might not be right for the House of Commons to do so, but he would not enter into that subject, because it was not the question before them. The question simply was whether 1*d.* should be the amount of postage to be charged upon a certain quantity of matter published at intervals within a certain date? Whether that were just or unjust depended materially upon the principle which was applied in viewing the question, and he submitted that it should not be the principle which had been laid down by the noble Lord. It could hardly have escaped the Committee, and the noble Lord must himself have felt it, that his argument suffered from some amount of inconsistency, because the noble Lord was very much shocked at the disparity of carrying six ounces of a newspaper for 1*d.* and a letter, under half an ounce, for the same amount; but the noble Lord was not shocked at the disparity, almost equally startling, of carrying four ounces and half an ounce for 1*d.* They must fix upon a principle, however, and apply it strictly, fairly, and logically. The noble Lord's principle would appear to be to treat newspapers and letters as the same, and to apply the same rule of postage by weight to all. He did not gather how the noble Lord intended to accomplish this; but, if he might be allowed the phrase, he thought that the proposition was "practically impracticable." If the noble Lord took letters as his guide, he would impose a rate upon newspapers, which, however just according to the noble Lord's abstract theory, would effectually exclude them from the Post Office. If, on the other hand, he took newspapers as his guide, and carried letters at the rate of four ounces for 1*d.*, he would make such an enormous invasion into the postage revenue that it would be impossible to conduct the establishment upon such a basis; because, in the case of large concerns, a number of letters would be sent under one envelope, and the Post Office would lose a considerable amount of postage. If he took letters, then, as his guide, he would exclude newspapers from the Post Office, and if he began with newspapers, he would charge too little for letters exceeding the ordinary weight to permit of the establishment being remunerative. He therefore submitted that the proposal of the noble Lord was not a practical one. Let them look at this question as men of business, and what, he asked, was the fact? The truth was, that the Post Office existed mainly and primarily for the purpose of carrying letters. Those letters paid the expenses of the Post Office, and if it did not carry a single newspaper it would be impossible to diminish the expenses of the establishment in any respect, because it would be necessary to maintain it for the purpose of carrying the letters alone. Mr. Rowland Hill had given his sanction to this statement, and, therefore, there could be no doubt about it. The principle, then, he apprehended, upon which the Government had hitherto proceeded was this—here was the Post Office existing for the purpose of carrying letters, and having, as it were, a surplus facility for the purpose of carrying other matter, and Parliament, being of opinion that the conveyance of newspapers was a great public benefit, which was worthy of being encouraged, had chosen to carry newspapers at a rate infinitely cheaper than that which was imposed upon letters, and to give them the privilege of being transmitted and retransmitted through the Post Office *ad infinitum.* Unless the Committee would grant him that there was some public policy in carrying newspapers cheaper than letters, there would be nothing for it but to treat them both alike, and to charge newspapers at the same rate as letters. He concluded, therefore, that there was some public policy in carrying newspapers cheaply, and he imagined that the Government saw no reason for changing that principle. That was the ground upon which he had started. In a country like this, free communication, freedom of knowledge, and freedom of intelligence were the very lifeblood of the constitution. It was by such means that people acquired their information; by it the public were made participators virtually in the deliberations of that House, and every one who addressed them in that chamber had the advantage of addressing, in fact, the whole civilised world. He thought that that was no small advantage, and that it was one which the Legislature had done wisely to consider. He came next to the question, what was the limit which ought to be imposed? The limit at present was 2,295 inches. Was it enough, or was it too little? That was the practical question. He could only illustrate it by a reference to the most prominent case which existed—that of *The Times* newspaper—which had been frequently referred to in the course of these debates. The case of *The Times* was this—when it printed twelve pages, as it did three days a week, its limits did not exceed 2,295 inches, and it was then enabled to print its impressions upon a penny stamp; but when it printed sixteen pages, as it did on three other days of the week, it had to pay an additional halfpenny in the shape of stamp duty, which, upon a sale of 60,000 copies, cost the proprietors of *The Times* 125*l.*; and when to that amount was added the extra expense of paper and printing, he was told, and he believed it, that the extra supplements were not remunerative. The proprietors of *The Times,* however, had no choice but to publish these supplements, unless they preferred to send away advertisements. It was a necessity imposed upon them by the nature of the news and the advertisements which they published that, three times a week, this additional expense of 125*l.* a day should be imposed upon them. Were that a uniform charge upon the proprietors of *The Times,* it might be met by an addition of one halfpenny to the price of the newspaper, and then the expense would be transferred to the reader; but as the charge was only an occasional one, it fell upon *The Times* itself. He would scorn the notion of arguing a question of this sort with reference to only one newspaper; but the matter affected a whole class, and what was the case with reference to *The Times* to-day might be that—and he sincerely hoped that it would be—of other newspapers in a few years. See how the circulation of *The Times* itself had increased within the last few years. In 1808 it was somewhere about 5,000, in 1841 it was 11,000, and now it was 60,000. What was there to prevent the other papers doing the same thing? Upon what principle, then, he asked, should they fix a limit upon the size of newspapers? Why insist that newspapers, after exceeding a certain size, should pay an increased amount of taxation? Upon what ground should they select a particular stage of advancement in a newspaper in order to levy a severe fine upon it? The Committee appeared to be of opinion that there was no limit to the size of a daily newspaper; but that he apprehended to be a mistake—the very circumstances of the case put a limit upon the size. First of all there was a natural limit. The news of the day and the advertisements of the day, to be followed by the news and advertisements of the next day, imposed one limit. Another limit was the quantity which a man could possibly read and get through in the course of a day; and he was certainly inclined to think that that limit had been reached already. But, besides these, there was another limit which was certain to prevent the increase of newspapers beyond a certain size. It was quite obvious—for considerations palpable enough—that it was not the interest of the daily newspaper, however large and well conducted, to raise its price above its fellows; and therefore it was that we had the publications of *The Times* and *The Globe* sold at the same price. It was not a case in which the proprietors of the former journal could raise their price, because the competition of other newspapers kept down the price to their limit. There was, therefore, always a struggle on the part of that journal to keep itself within the amount which it could publish without a loss in its circulation. There were two sources from which a newspaper derived its income—its sale and its advertisements. There were also two sources of expenditure—that which varied as the circulation, and that which was implied in filling the newspaper with the matter which it contained and that which was incurred once for all. It was quite evident, therefore, that while the price of the former item increased, and that at which the newspaper was sold remained the same, the paper might grow at length to such an extent that the "circulation" alone would cease to return a profit. Under those circumstances, it was absolutely necessary to put a limit to the increase of the circulation. That point *The Times* had reached. The hon. Gentleman the Member for Manchester (Mr. Bright) had himself mentioned the difficulty of getting a copy of *The Times*, and the premium at which copies of that paper were; and how did he account for it? How did they account for the fact that a newspaper proprietary, influenced alone by a regard for their own interest, should neglect to supply the article in which it dealt? The reason was obvious, that matters had come to a point when *The Times* was necessitated to contract its circulation. Their apprehension was, lest the increasing the circulation should become the means of a loss; and any loss would be very serious, because it would be immediately multiplied by 60,000. That was the state in which things were now with respect to that paper, and at which every paper sooner or later must arrive. There being then a natural limit to the size of a daily newspaper, he asked the House whether it was worth while, merely for the purpose of raising a halfpenny more, to throw these embarrassments and difficulties in the way of the natural and legitimate increase of the circulation of newspapers. He would not advert to any other considerations than those of justice, but he did think that the morning newspapers of the metropolis, of which there were six, stood in a very different position from the rest of the papers of the country. They were the fountains of intelligence, from which all other papers circulating in these realms extracted their information. The original matter came from them which was disseminated through a thousand channels. He did not complain of that; he believed it to be the natural law of such things, which the very publicity of newspapers rendered inevitable. He would not go into the question of copyright, the Committee having offered so decided an opinion upon that point, but he must say that, in his opinion, some description of newspaper property was fairly entitled to a protection of this kind, for he thought that where gentlemen, for instance, were sent to the Crimea to write home accounts of the progress of events, it was an invasion of literary rights that, before the ink with which such intelligence was printed was well dry, the intelligence itself should be transferred to the pages of an evening paper, filling up whole columns, and it was confusing right and wrong not to say so. He agreed with the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) that they were subjecting existing newspapers, particularly the morning papers, which supplied the great mass of information, to a most severe and unfair competition, though he had no sympathy with the feelings of the proprietors of country newspapers, who had petitioned the House in a sort of Protectionist spirit. He thought there was no justice in their complaint, and was glad the House had not listened to it, but if they recognised the principle of treating newspapers invariably in the Post Office, they ought not to violate that principle in the case of the largest newspaper, employing the most capital, and from whose labours and expenditure the public derived the greatest benefits. He did not ask them for a copyright, for he never wished to see one; but he did think, when they were imposing a postage upon newspapers, the question they ought to consider should not be so much a question of simple postage as of imposing it equally on all. It was of the greatest consequence that the newspapers of the country should be kept up to the high standard at which they now confessedly stood, and the way to keep them up would be to allow those newspapers upon which the most money and the greater talent were expended to circulate in the country districts with as much freedom and as little expense as possible. He asked for bare justice, and he would only add, as an allusion had been made to hon. Members truckling to the press, that if it would ill become hon. Members to truckle to the press, still less would it become the press to truckle to hon. Members.

MR. MILNER GIBSON: I had some difficulty, Sir, in understanding precisely what the proposition was, until I heard the hon. Member who has just sat down. It is simply this: that there is a case for relief to *The Times* newspaper—I do not know that any other large paper was mentioned—in respect to transmission through the post; and that whereas *The Times*, with its double supplement full of most profitable advertisements—now pays a freight of 1½*d.* for carriage through the post, for the future it shall only pay for the carriage of the same profitable cargo the sum of 1*d.* In other words, that ½*d.* shall be deducted from the public revenue. I ask the Committee, is this a case for relief? Now, I am prepared to make this proposition to *The Times.* I will pay that ½*d.* freely for the extra sheet of advertisements, if they will give to me the money which they receive from their advertising connection. I will bind myself legally to that bargain—to pay the ½*d.*, if I may receive the money paid for advertisements. There is no doubt it is a great benefit to the public that the Post Office should carry what the public wants as cheaply as possible; but I contend that we must have regard to what can be done in the way of cheapness, and that we are not to tax the public to carry *The Times* newspaper, or any other paper, by offering to do it at a less charge than it costs. If we can carry a periodical publication the size of *The Times* and its double supplement for 1*d.* without loss, we can carry all other publications of the same weight and the same size without loss; because the Post Office cannot take into consideration the contents, but merely the weight and the bulk. And, therefore, there can be no loss in carrying all, if we can carry *The Times* without loss at this rate. Then, I ask my hon. Friend (Mr. M. Milnes), why does he not propose to carry all? And if he cannot carry all, I say, why is the public to be taxed to carry a large newspaper full of profitable advertisements? What has been the course in reference to *The Times* newspaper? I am prepared to carry it at the lowest possible charge at which it can be carried, so as to cover the costs to the public. The late Chancellor of the Exchequer took the stamp off the first supplement to *The Times.* Formerly *The Times* and a single supplement had to pay a tax of 1½*d.* to go through the post; and not only that, but, in order to have the postal privilege, it was required to pay the 1½*d.* upon its whole impression. For the future, only those particular copies that go through the post will have to pay the tax; and that is a considerable relief, by exempting a large proportion of the impression from that duty. The return of ½*d.* stamps, only issued during 1854, gave something over a total amount of 20,000*l.* a year. Well, that stamp was taken off; nobody objected to it; but what was the effect? Did the public get any benefit? Did not everybody pay 5*d.* for *The Times* as usual? Was the expense of printing *The Times*, of getting it up, or collecting the news, greater than before? Not at all. If they paid the same, and got the same price for their paper, where, I want to know, went this 20,000*l.* a year? I say that that was a great boon to *The Times.* It was granted; nobody objected. But when they come here and tell us that *The Times* newspaper is injured, and has a claim for relief, I say it is a monstrous appeal, and that this House ought to resist it. I, for one, most certainly, shall record my vote against the Motion of the hon. Gentleman the Member for Pontefract, because I am sure that if you repeal this second supplement stamp, you will be merely granting to the proprietors of a very prosperous commercial establishment a certain portion of the public revenue. If you do so, you had better vote them the sum at once, and say—" *The Times* is an institution, and ought to be supported at the public expense." If, on the other hand, it can be shown to me that all printed matter can be carried at this rate, I shall be most happy to hear it; the lower the better. But this 3,500 inches, though it may include *The Times* and its double supplement, may not include the largest newspaper; for I am informed that *The Illustrated London News*, weighing occasionally ten ounces, has a much larger amount of printed paper — 5,000 square inches, at least. Then *The Illustrated London News* will come and say, " Why not carry our 5,000 inches for a penny ?" In fact, there is no limit to it. In future, I would advise that we should allow 1*d.* to frank no more than it does at present. *The Times* will be in no worse, but in a better, position than before. And let *The Times* and its authorities, and the Chancellor of the Exchequer, consider for the future, in reference to the advantage of the public revenue, what is the greatest amount of printed matter which can be carried for the charge of 1*d.*

MR. E. BALL said, that he hoped his right hon. Friend the Member for Manchester would excuse him if he did not take his advice. The right hon. Member said, that *The Times* had no claim on the House in this matter. The House, however, had to consider whether the Post Office could not carry a paper of that size without incurring loss; and in his opinion it did not cost the Post Office 1*d.* to convey any copy of *The Times.* Should that House resolve to put a tax on *The Times* higher than on any other paper, a great many copies of *The Times* would doubtless be sent by the railways, and the Post Office would thereby incur great loss. He considered that the right hon. Member for Manchester in arguing this question had deviated from that line of policy which he had ever advocated. It would be recollected that he and the Gentlemen with whom he acted had always said that they ought not to consider the cost of a material to the producer, but only how the public might be supplied at the cheapest rate possible. The right hon. Gentleman and his friends, for the purpose of indoctrinating the public mind with that notion, used to have two great poles, with a large loaf on one and a little loaf on the other, and asked the public which they would prefer? This came home to the senses of the poorer classes, who were more influenced by this illustration of the advantage of free trade than by all the arguments the right hon. Gentleman and his friends addressed to them from the platform. Well, he (Mr. Ball), taking the same line of argument, now said they could have a paper, which was the best conducted, which contained the greatest amount of information and incurred the greatest expense in obtaining it, which required a larger capital than any other newspaper, and circulated more extensively; and if they could obtain such a newspaper at the same rate as any other, it was clearly the duty of the right hon. Member for Manchester, on his own principles, to call on the House not to impede its sale by restrictions. Then, again, a great many persons who passed a portion of their time in the country like himself (Mr. Ball) would be deprived of a great advantage if they were not allowed to have *The Times.* If *The Times* was the sun of the press, and all the other newspapers were satellites moving round it and deriving their light from it, why should they not have the sun itself in preference to the satellites? The people in country parts ought not to be deprived of the advantage of seeing *The Times* in consequence of a heavier tax being put on it on account of its size. It must not be supposed that he had any personal interest in *The Times*, for he was one of those with respect to whom *The Times* had not been very indulgent, and in what he said he was solely influenced by a sense of justice and what he considered the true policy of the country. He certainly thought that *The Times* had effected a great deal of good, and he had heard an excellent man, whose duty it was to attend to the sick at Scutari, after describing the horrors of that dreadful place, observe that there were only two strong lights penetrated there to gladden the darkness—one being the presence of that excellent lady Miss Nightingale and the other blessed women who went out with her, and the other the contributions procured by *The Times* newspaper. Therefore something was due to *The Times*, for the country was indebted to it for a knowledge of those things which were enacted in the Crimea, the representation of which given in *The Times* was not overcharged; but only served to raise the veil under which such a mass of cruelty and mismanagement was concealed. He was disposed to think that the increased charge proposed to be put on *The Times* would, by checking the transmission of that paper through the post, cause a loss to the Post Office revenue.

Mr. WARNER said, he must protest against the idea that the Post Office had anything to gain by the conveyance of newspapers. It was only in consequence of the legislation of past years, creating a sort of vested right in existing newspapers to be carried by the post, that the present arrangements could be defended. At the same time, he thought it would be a great injustice to attempt to tax a large paper more than a smaller one.

The CHANCELLOR of the EXCHEQUER said, he feared that, if the proposition of the hon. Member for Kidderminster (Mr. Lowe), that a uniform principle should be applied to the postage of newspapers and other articles carried through the post were practically enforced, nearly the whole of the present system would have to be abolished. If they compared the rates of charges on letters, newspapers, books, and other printed publications, not being newspapers, they would find the discrepancy so great that, if it should be the pleasure of Parliament to reduce them to a uniform scale, it would be necessary to sweep away all existing rates, and commence *de novo*. The Bill before the Committee was, therefore, limited to carrying into effect, with the smallest possible alteration of the existing law, what he had understood to be the desire and wish of the House, namely, that the compulsory newspaper stamp should be converted into an optional one. In framing the Bill, then, all the existing anomalies—to which he was by no means blind—had been retained, and the Bill was founded on the maintenance of the existing law with respect to superficial inches, the rule being that a newspaper on one or two sheets might contain a superficies of 2,295 inches for a stamp of 1*d.*, and any number of additional supplements, containing 1,148 superficial inches, at the rate of one halfpenny stamp for each. The rule now in existence was the result of legislation two years ago, by which the charge on newspapers had been diminished, a penny stamp being substituted where stamps to the amount of three-halfpence were before necessary. The effect of the measure now before the Committee would be, that the proprietor of any newspaper would be at liberty to stamp what portion of the circulation of his paper he thought fit; and, with respect to the remainder of the impression, it might be circulated through the post, but not without the impression of a stamp. This change in the law would confer considerable benefit upon all existing newspapers, namely, a relief from the charge of a compulsory stamp upon a considerable portion of their circulation, and they would also be otherwise benefited by the measure before the Committee. His hon. Friend proposed that they should alter the present law as to the limit of superficial inches, and that with respect, not to all periodical publications which were included in this measure, but with respect to others published at intervals not exceeding seven days, they should raise the limit carried by 1*d.* to 3,500 inches. There was nothing said in the clause with regard to anything beyond that limit, and he did not understand what it was proposed should be the charge upon a newspaper which exceeded 3,500 superficial inches. He could understand the argument that a newspaper should be treated as one publication, that a charge of 1*d.* should carry a newspaper, whatever its size might be, and that all the present rules with regard to superficial inches should be abolished; but that was not the proposition now before the Committee. It was simply a proposition, for which no particular reason had been assigned, to raise the limit carried by 1*d.* from 2,295 to 3,500 inches. As far as he could gather from the speech of his hon. Friend (Mr. M. Milnes), no specific reason was given for that particular limit, except that it was rather more than the present limit, and would include some newspapers which were not now included; but it would exclude other newspapers which printed a greater quantity of matter than 3,500 inches. He must say, therefore, that unless the Committee were prepared to throw aside that jealousy with regard to revenue which had been expressed in many quarters upon the second reading of this Bill—unless they were prepared not only to sacrifice that portion of the revenue which would necessarily be lost by the abolition of the compulsory stamp, but also that further portion which would be sacrificed by an offer on the part of the public to carry at a lower rate a greater weight and quantity than were carried at present, there seemed no reason to alter the existing law. One other argument had been adduced in favour of an alteration of the law, to which he would shortly call the attention of the Committee. It had been urged that as a portion of a newspaper was given gratuitously to the subscribers, as no additional charge was made beyond a certain weight or a certain number of superficial inches, it was therefore unreasonable that an additional charge in respect of that portion should be made by the Post Office. But the question as between the newspaper and its customers with regard to price was wholly indifferent to the Post Office; all that the Post Office looked to was the bulk and the weight of the article conveyed. It was utterly indifferent to the Post Office what the price might be, or whether the article bore any price at all, or was given away gratuitously, as was the case with certain newspapers which consisted wholly of advertisements, and were sent to Members of this House, and circulated merely for the sake of giving currency to those advertisements. With regard to newspapers of that sort, the Post Office was put to identically the same trouble and expense as if it were conveying the most highly priced newspaper, as their weight was the same, and they occupied the same amount of space; therefore the argument derived from the gratuitous distribution of a portion of a newspaper containing the advertisement sheets, which, being uninteresting to the majority of readers, did not occasion a corresponding increase of price, proved, when examined, to be totally destitute of foundation. Newspapers at present enjoyed a most remarkable privilege with regard to transmission by the Post Office as compared with other printed matter and with letters; they were now in an extremely favourable position with regard to the charges for their transmission, and if any attempt were made to render the system more uniform, such a change would redound, not to the advantage, but to the detriment of newspapers. At the same time he admitted that the present system was full of anomalies, and if it were reduced to uniform and consistent principles it must necessarily undergo a considerable change. The change now under consideration was limited to a single point, and he would strongly urge upon the Committee to allow this measure to pass and to see the effect it produced—and he admitted that it would operate a change of great magnitude and importance — before they embarked in other and different changes. If at some future time it should appear that the law did not work well, they would then approach its improvement with the advantage of knowing by experience what had been the effect of the measure they were now about to pass.

Mr. DRUMMOND said, the right hon. Gentleman had told them they were about to try an experiment, but he thought it was an experiment which would be tried at the expense of a single establishment. He had objected the other day to the whole conduct of the press, because it was a system of stabbing in the dark, but he equally objected to that House stabbing that establishment in the dark; for there could be no question, after the debate which had taken place, that this was an attack upon a single establishment. If they passed a law burdening one cotton manufactory which produced a greater quantity of cotton than another, they made a direct attack upon that individual manufactory; and this was a precisely similar case. They were going upon a very dangerous principle; they were beginning to indulge private pique under pretence of public virtue. They attacked *The Times* —they were afraid of it; go where they might, upon what railway they pleased, every man was reading and abusing *The Times;* but, instead of standing up boldly against it, they gave it this dirty stab in the dark. They pretended that it was of immense importance to preserve the good and able writing which appeared in *The Times;* how was it preserved? It was preserved simply by that newspaper being a very profitable concern; but if they lowered the profit of the concern it could not employ able men to write in it, and it would dwindle down to the same twaddle as the *Morning Herald.* He would endeavour to do justice even to an enemy, and he should, therefore, vote against what he thought was a private attack, under pretence of public virtue, against a single establishment.

Mr. MONCKTON MILNES, in reply, said, he should take the sense of the Committee upon his proposition. He would only remind them that the strongest and most vigorous speaker who had opposed it in this debate had been that hon. Member who had raised himself to a pinnacle of great public renown under pretence that he, more than any other man, advocated the cheap and free transmission of newspapers—that he, above all others, wished that the best newspapers should circulate through all grades of society, extending to all classes the advantages which newspaper reading conferred; but who had also opposed, upon a former night, the transmission of newspapers for a halfpenny.

Motion made and Question put, "That the Clause be read a second time."

The Committee *divided:*—Ayes 86; Noes 260: Majority 174.

Mr. WHITESIDE said, he wished to know whether the provisions of the existing Act, which required securities from newspapers, would be applicable to any new description of newspaper that might hereafter be published under the provisions of the present Bill?

The CHANCELLOR of the EXCHEQUER said, that if he understood correctly the Act to which the hon. and learned Gentleman referred, its provisions would extend to all newspapers, both stamped and unstamped.

Mr. WHITESIDE said, he thought it would be better for the public to set out in the Bill, when it should be in a state in which it would be safe for the House to pass it, a clause making it apply to all newspapers.

The Preamble was then *agreed to*, and the House resumed.

The House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, May 1, 1855.

Minutes.] *Took the Oaths.*—The Lord Bishop of Meath.
Public Bill.—1ª Loan.

FEES IN THE COURT OF CHANCERY.

Lord LYNDHURST begged to call the attention of his noble Friend on the woolsack to a subject of great importance to solicitors, and not less so to the suitors of the Court of Chancery. The matter was rendered of still more importance in consequence of a Bill now pending in the other House of Parliament, which would add a very extensive jurisdiction to the already extensive jurisdiction of the Court of Chancery. The subject was that of fees paid to solicitors in the Court of Chancery. He was told that his noble Friend on the woolsack was about to institute some investigation on the subject, and to introduce some alteration; and if that were so, he (Lord Lyndhurst) should not then give notice of Motion on the subject, as he had intended, but await the result of the inquiry. He wished to know from his noble Friend whether the fact was as he had stated; and if so, who were the persons to whom the investigation was to be confided?

The LORD CHANCELLOR said, that the only error into which his noble and learned Friend had fallen was, that he supposed he (the Lord Chancellor) was about to institute an investigation; but the fact was, that he had already set such investigation on foot. He felt the subject was one of extreme importance. It was of importance to the solicitors, and it was not less so, as his noble Friend had stated, but in fact more important, to the suitors of the Court. That the solicitors were placed in a position that was unsatisfactory no one could doubt, but it was always found that, unsatisfactory as the present was proved to be, it was difficult to discover another that would be more satisfactory. But from time to time certain alterations had been made; and some months ago he requested the Master of the Rolls, who took an interest in the matter, to look into the subject, and see if he could suggest any improvement. The Master of the Rolls had done so, and having consulted various solicitors, he made a report, which he (the Lord Chancellor) received about two weeks ago, on the first day of term. He found from that report that the Master of the Rolls had investigated the subject very closely, but, hampered as he was with other business, he (the Lord Chancellor) did not like to ask him to pursue the inquiry further. The Master of the Rolls, indeed, said he had so many matters in hand that, although he would not shrink from the investigation, he would rather be released from it. He then had recourse to Lord Justice Turner and Vice Chancellor Wood, and put a paper into their hands, and had a conversation with them on the subject. These learned persons had very kindly undertaken to make the investigation, and he had united with them one of the Taxing Masters—he thought it was Master Follett—and put him in communication with them. He had also joined with them Master Wharton, one of the Masters of the Court of Exchequer, and a gentleman of whom it was impossible to speak too highly—and they had told him, that without any formal commission being issued, they would examine into the matter, and see if they could make any improvement in the scale of fees, or devise any manner in which the scale could be arranged.

THE WAR—FLOATING BATTERIES.

EARL TALBOT said, he understood great doubts had been expressed with regard to the efficiency of the floating batteries recently prepared—first, with reference to their construction, and next, in regard to the effect that might be produced upon them by the shot and shell of the enemy. He wished to ask the noble Lord at the head of the War Department who was the designer of the floating batteries which were being built for Her Majesty's service, and if the project had been submitted to any scientific men or to the Surveyor General of the navy; and, also, if any experiment had been made with a view of testing the efficacy of the plates with which those batteries were constructed in resisting shot?

LORD PANMURE said, that the object of the batteries to which the noble Earl had referred was to enable naval armaments to be brought in contact with stone fortifications. He was not able to say who was the projector of them, but experiments had been made with shot at a short distance upon plates formed in a similar way to those with which those batteries were constructed, and the success of those experiments was such as to justify the Government in ordering a certain number to be built. The opinion of the public seemed to be unfavourable with regard to their utility, but he trusted that they would prove to be more successful than appeared to be generally expected.

THE EARL OF HARDWICKE thought it was hardly possible to receive a more unsatisfactory answer to a question than that which had been given by the noble Lord opposite. He was aware that questions of this kind were not generally palatable, and there might be details which it would be for the interest of the country not to enter into at present. He agreed with the noble Lord that this was a great experiment they were about to try, namely, to ascertain the effect of shot upon iron-plated vessels, and it must be considered that it was one of great interest. It had been arranged to construct in this country a certain number of these vessels, and he understood that the Emperor of the French was also to construct a similar number. It did not matter who was the designer of these batteries, but there was a question involved which affected the finances of the country and the success of the experiment, and they should all feel certain, whoever was the designer of the general system, that, at all events, the science of the country had been applied to the construction of these vessels. He had on that day proceeded to Woolwich to inspect two of these ships, and, without referring to the opinion of any other person, he would venture to state what his own opinion was with regard to the construction of these vessels. He would entirely put out of the question the beauty of form, because that was not a matter of importance, merely observing that nothing could be more unsightly than they were; they were entirely flat-sided, and that description of form he thought would do extremely well, and be very appropriate. He would put entirely out of sight, also, their powers of speed and of locomotion, and would merely deal with them as floating batteries that were to be transported to some distant region as a means of attack on fortresses. He took the trouble to measure the distance of the lower sill of the midship port from the water line in one of these ships, and when he did so, she had only on board her engines, empty boilers, and masts—she had no guns, or stores, or a single thing of any description, and was completely swept—and yet the lower sill was only 4 feet 6 inches from the water's edge, and her future immersion he could not calculate at less than 1 foot when she had received the whole of her cargo—shot, shell, ammunition, and water. If they allowed an immersion of 1 foot, and that he considered was the smallest that could be allowed, that would bring the lower sill within 3 feet 6 inches of the water's edge. He ventured to assert that that distance of the lower sill from the water was not a safe distance, and they must have the guns secured and the ports caulked for the purpose of transporting her to the Baltic. It appeared that the application of science had been omitted, for she might have been a better vessel, with a larger power of flotation; and he would venture to say that she was a failure with respect to her powers of flotation. This consequence would also arise, namely, that she would draw more water than was intended. The second point that must strike the beholder was, that the iron plates by which her sides were covered were so placed that they touched each other. They were 4½ inches thick. They touched each other throughout, and anybody who knew anything of the expansion and contraction of iron must know perfectly well that it was always in motion. With the sun shining upon it, the expansion of iron was enormous, and it contracted at night. Those plates ought not to touch; they should be a distance of at least half an inch apart, and by that precaution they would have space for expansion and contraction. The effect of the mode of construction that had been adopted would be to loosen the plates when they were brought under the fire of a heavy battery; those plates, being malleable, would suffer in the way that iron did under the hammer on the anvil, and would begin to move about. They would spread with the blows, and would be broken, in all probability. The plates should be placed at a small distance from each other, to prevent the possibility of expansion or contraction acting detrimentally, and that would also prevent the effect of the blow from doing injury to the plate itself. These points appear to have been entirely overlooked, and science had been altogether neglected in the construction of these vessels—the power of flotation was not sufficient, and the treatment of the metal had not been proper. The neglect of all scientific precaution was even more apparent when he looked at these vessels as the means of inflicting serious injury upon an enemy. There was no contrivance, for instance, for protecting the men on the upper deck from those whom they were assailing. No doubt, it had been intended originally to cover the decks with iron, but he apprehended—owing to their small power of flotation—that the builders had not ventured to do so. The consequence was that a parabolic shell, if sent against them, would go completely through them. There was no protection whatever afforded to the men at the wheel, or to the officers who were to conduct the operations on board; and there were numerous other matters of detail which appeared to have been wholly overlooked. The means of working the cables, for example, were remarkably defective, those at one end being adapted in a different mode from those at the other. He would not enter into all these details, but they all went to show that science had been neglected in the construction of these vessels. Looking seriously at all these matters, he was driven to the conclusion that there was a deficiency of science in the naval departments of this country. Circumstances which went to prove this occurred nearly every day. A short time since he had alluded to the upsetting of a vessel, owing to the centre of gravity being too high; and, in order to remedy that defect, the authorities had sacrificed 250 tons of floating power by fixing that weight of asphalte in her bottom. He believed that there existed knowledge and zeal in the naval department of this country, but there was also a something existing which rendered that knowledge and zeal nugatory, much to the detriment of the naval service.

Earl GREY regretted that his noble and gallant Friend should have considered it necessary to enter into this question at so much length; for, although he quite agreed that if a mistake had been made by the Admiralty, or there were grounds for believing that there was a want of scientific skill in the general conduct of any portion of the business of that department, it was a very fit subject to bring under their Lordships' notice, he must say that, while experiments or improvements were in progress, discussions and criticisms in their Lordships' House did not very much tend to facilitate their completion, or enable the department to bring them to any practical result. The Government were very properly held responsible for the success or failure of their measures, and, if they were to continue to be held responsible, they ought, in common fairness, to be allowed a degree of freedom in taking such measures as they thought fit; which it was quite impossible they could obtain, if, while they were engaged in conducting the business of that department and their measures were still in progress, noble Lords should come down to that House, and before the utility of any measure had been practically tested and its wisdom established, state their views of the disadvantages or advantages of the particular plan adopted by Her Majesty's Government, and enter into a long explanation of its various points. Such a course was the more objectionable, for it was perfectly clear, from the observations of his noble Friend, that he could not enter into a discussion upon the subject, and detail the various inspections which he had made of these floating batteries, without giving information as to the mode of their construction, which might be extremely advantageous to the enemy. It was quite impossible that either in their Lordships' House, or in the other House of Parliament, they could interfere, without inconvenience, with the details of the business of the Executive Government. If they attempted to do so, the result would be no other than injurious; and he was persuaded, from his noble and gallant Friend's high professional character, any suggestion which he might transmit to the Board of Admiralty would meet with every attention, and would be far more likely to advance the public interests than if introduced in the shape of discussion or criticism in their Lordships' House.

THE EARL OF DERBY did not see that his noble and gallant Friend behind him (the Earl of Hardwicke) was open to the attack made on him by the noble Earl opposite, for they were not now interrupting any plan or project contemplated by the Government, or interfering in any way with its operations. On the contrary, noble Lords on his side of the House had shown by their conduct that they had not the slightest wish to interfere with the measures which the Government had thought necessary to adopt in reference to the present war. But these batteries, which were the subject of observation, were not now projects, being actually carried into operation, and were, therefore, open to the examination and criticism of any one. He was informed that they had cost something like 300,000*l.*, and it was very important that they should have the information which could be brought to bear upon them placed before their Lordships by those possessing the high professional knowledge of his noble and gallant Friend. That noble Earl had inspected them; and he now pointed out what he considered the various defects in their construction, and the grounds upon which he conceived that they would not answer the expectations of the country. His noble Friend, therefore, had a right to ask the Government whether the designs for these batteries had been submitted to and approved by the scientific portion of the service of the country. If they had been so submitted and approved, then the scientific department of the navy would be mainly responsible for their failure or success; and his noble Friend was perfectly justified in stating, by way of warning to the Government, the reasons for his apprehension of failure, so that the Government might not go head over heels incurring an enormous expense for the construction of batteries which there was reason to believe were unscientific and inefficient. No subject could be more fit for discussion. It was proposed by the Government to enter into a new and experimental mode of naval warfare, involving an enormous expense, and the means which they adopted, in the opinion of a man of professional knowledge like his noble Friend, were not calculated to answer the purpose for which they were invented. He could not think that the fact of the construction of these vessels becoming known in Russia, in consequence of the observations of his noble Friend, should be a ground for not inquiring into these matters, for there could be no doubt that everything relating to them had been known in Russia from the moment that they had been projected. He must confess that he thought his noble and gallant Friend was only discharging a duty to his country by thus publicly calling attention to what was doubtful as regarded the efficiency of these batteries.

THE BURIAL ACTS.

THE EARL OF SANDWICH *presented* a petition from inhabitants of Huntingdon, asking for an alteration of the law respecting the burial of the dead (16 & 17 *Vict.* c. 134). They complained of the operation of certain clauses in the Acts which prevented the opening of vaults, and a correspondence had taken place between them and the Home Office on the subject. The vaults might have been opened without the least prejudice to the health of the inhabitants, and he considered, therefore, that a great injustice and hardship had been inflicted upon the owners. He begged to ask whether it was the intention of the Government to send down inspectors to examine the vaults, and to grant licences for interment in them?

THE DUKE OF ARGYLL said, that the notice put by the noble Earl on the notice paper had not given sufficient indication of the nature of the question which he intended to put, and he was afraid there was no Member of the Government present in the House who could give a reply off-hand. He had to request, therefore, that the noble Earl would allow the question to stand over till some subsequent day.

THE BISHOP OF CHICHESTER said, he also had to appeal to the Government on behalf of a large proportion of the population of his diocese whose places of burial had been closed, and who really had no places of sepulture for their dead. He would instance the case of Brighton to show the condition to which large places were reduced in consequence of the shutting up of burial-grounds. Here was this large town, with 73,000 inhabitants, which at present, and for some time past, was in a state of the greatest distress for want of places for interment—no person dying within the limits of this vast parish having a right to burial there or elsewhere. The noble Earl had felt it a strong ground of complaint with respect to a limited number of persons in Huntingdon, but the ground was much stronger in respect to Brighton and its 70,000 inhabitants. He (the right rev. Prelate), in conjunction with the petitioners who addressed the House, asked their Lordships not only that there should be an alteration but an amendment of the law, and that the provisions to be framed for that purpose should be sufficient and effectual. Unless the law was made compulsory there would be found the same resistance to it as was found in Brighton and elsewhere.

THE CAVALRY IN THE CRIMEA.

Lord VIVIAN moved for a Return of the Number of Men and Horses sent or to be sent as Reliefs or Reinforcements to the Cavalry now in the Crimea; Regiments, or Squadrons from Regiments, now in this country, to be employed on this service; Date of Embarkation; Name of Transports in which these Reinforcements have been or are to be sent out, stating whether sailing or steam. The noble Lord said, he had, on a former occasion, moved for a similar return; but he had been induced to withdraw it on the assurance given by the Commander in Chief, that he would at once send a number of men from every regiment in this country, so as to form a strong squadron at the seat of war. Believing that to be the best course to be pursued, and believing that the Commander in Chief would act upon the assurance he had given, he did not press for any return. Finding, however, that up to this moment—certainly up to the last very few days—no single regiment of cavalry had been sent to the East, he felt it his duty again to introduce the subject to their Lordships. It appeared to him, if their army were to continue before Sebastopol, it was essential that that branch of it which was of the highest importance in the operations of the siege, and which at the present moment was the most weak, should be reinforced. He knew he should be told that reinforcements had been or were about to be sent to the Crimea. He was happy to know it; and all he now sought was, that they should be sent by the speediest conveyance. What he desired to know was, what were the means which the Government had of conveying these troops? He feared lest the Government should be once again "too late;" and he thought they would best show that there was no ground for apprehension by stating not only the force they were about to send out, but that they were prepared to send them out in steam-vessels.

Viscount HARDINGE said, it was very true the noble Lord did, on a former occasion, request him to afford the House information as to the way in which he purposed to carry out the reinforcements of cavalry to the army in the East, and that at that time he (Viscount Hardinge) thought the best course would be to send out to each of the ten regiments that were at the Crimea one additional squadron from the nine regiments that were at home. Subsequently, he had seen reason to believe that the better plan would be to take two of the nine regiments and send them *en masse*, instead of a squadron from each of the nine regiments, as he had proposed in the first instance. Accordingly, two regiments—namely, the 1st Dragoon Guards and the 6th Dragoons—had been sent out. The force of the cavalry in the East at the present moment was 1,300 efficient men. These would be reinforced by about 700 troops, forming the two regiments which were to be sent out. In addition to those two regiments would be the troops that were coming from India. The first regiment had already arrived at the Crimea from India, and, when the whole reached that country, they would amount to rather more than 1,000 rank and file besides officers. There would then be in the Crimea rather more than 3,000 efficient cavalry. He should further add, that the number of recruits that were now ready was at least 1,000, together with 1,500 horses, all between five and six years old. The regiments at home had cheerfully consented to act as instructors to those recruits, by which essential service had been done. The Inspector General and the Duke of Cambridge had concurred in these arrangements. He had nothing to say as to the mode of embarkation, because that did not belong to his department, but more than half of the reinforcements had sailed, and the other half were ready. The noble Lord had asked whether the reinforcewere sent out in sailing or steam vessels?

He was sorry to say there had been but one steamer available, and that the remainder were sailing vessels; but he was satisfied that whatever delay might take place through sending out the reinforcements in sailing vessels, there was at home a very efficient force to send out.

THE EARL OF DERBY hoped there was no indiscretion in giving the Emperor of Russia this information as to the amount of cavalry strength that the Government proposed to send out.

LORD PANMURE said, that when questions of this sort were put relative to the amount of force to be sent out, he always refused to give information; and although, according to the manner in which everything relating to the army was published nowadays, the enemy had every opportunity of knowing exactly the force of which our army consisted, yet it was not a good precedent for Parliament to grant returns which showed the strength of our national forces in time of war. Such returns were usually asked to elicit explanations, such as had been obtained from the Commander in Chief, for a particular and special purpose, and he therefore hoped the noble Lord would not press for the returns. With reference to sending out cavalry reinforcements, every means of despatch had been used to send these and all the other reinforcements at the disposal of the Government. At this moment we and our allies had, he believed, engaged every available steam transport that could be hired for the purpose. But there were not steamers available for the transport for 3,000 miles of so many men as the Government desired to send, and they had, therefore, been compelled to have recourse to sailing vessels, not only for the transport of cavalry and artillery, but also of infantry, to the seat of war.

THE EARL OF ELLENBOROUGH hoped that whenever the Government determined to send cavalry to the seat of war they would give the earliest possible information to the Commissary General, because, although it was very easy to find food for men there, it was very difficult to find food for horses. If they had not done so they ought to use the electric telegraph for this purpose, or else these fine horses would find nothing to eat when they arrived, and they would be destroyed before they met the enemy. Noble Lords must recollect that the cavalry and the rest of the army now in the Crimea were living in a desert producing nothing whatever. When cavalry were in the field they could ordinarily obtain the means of subsistence for their horses, but our cavalry in the Crimea must depend for their support upon what was sent out in ships. That made another serious demand upon the tonnage available for transport, to which had been superadded the claims of the Land Transport Corps. He trusted that the instant the Government determined to send out cavalry they would give information to Mr. Commissary General Filder.

LORD PANMURE said, that Mr. Filder had received the information to which the noble Earl had referred; but he had also taken care to have a large quantity of hay sent out from this country and landed in the Crimea for the supply of the troops until the season came round. There could, therefore, be no possibility of a failure in the supply of food for the horses.

LORD VIVIAN would not press his Motion for the production of the returns.

LORD HARDINGE might add, that he had communicated that day with General Scarlett, who had just returned from the Crimea, and that excellent officer had informed him that the force of cavalry in the Crimea when he left was 1,300 men and 400 horses.

Motion, by leave of the House, *withdrawn.*

House adjourned to *Thursday* next.

HOUSE OF COMMONS,

Tuesday, May 1, 1855.

MINUTES.] NEW MEMBER SWORN.—For Cork County, Richard Deasy, esq.
PUBLIC BILLS.—1° Carlisle Canonries.
3° Loan.

TELEGRAPHIC DESPATCHES FROM THE CRIMEA—QUESTION.

MR. WARNER said, he would beg to ask the First Lord of the Admiralty, or any one of the Cabinet Ministers, whether the despatch from Lord Raglan, dated the 29th of April, in which he inquires about the Sardinian Contingent, or any other recent despatch from Lord Raglan, has contained information on the state of the army or the progress of the siege; and, if so, what is the nature of that information?

SIR CHARLES WOOD: I am sorry to find, Sir, that I was unfortunate in not making myself understood in what I said on a former evening. I distinctly stated, both yesterday and on a former occasion, and in nearly verbatim terms, the contents of the despatches which had been received. I stated yesterday that the Government were ready to communicate to the House any information they received which they considered of interest, and when an hon. Gentleman opposite cheered me—I did not know why—I gave the words of the despatch that had been received. There was in that despatch no information as to the progress of the siege. A despatch has been received to-day, in which it is stated that the Russian force situated between the Belbek and Mackenzie's Farm has been reinforced by two divisions. That is the whole of the information received, and I can only state that which we receive.

Mr. WARNER said, he would then urge upon the Government the propriety of pressing Lord Raglan to send that more detailed information which was so much desired in the country.

Mr. FRENCH said, he would take that opportunity of asking the First Lord of the Admiralty if the Government had decided whether the electric telegraph to the Crimea would be confined to the Government service, or whether it would be available to the public?

Sir CHARLES WOOD: The telegraph will be retained entirely under the control of the Government. I do not say it will be entirely confined to their use, but it will be entirely under their control.

LOAN BILL.

Order for Third Reading read.

The CHANCELLOR of the EXCHEQUER said, that he had to appeal to the hon. Member for North Warwickshire to allow the third reading of the Loan Bill to take precedence of his Motion with respect to Maynooth, on the ground that, as Government were not able to touch the deposit until the Bill had received the Royal Assent, it was desirable to pass the measure as soon as possible, and that a day would be gained by reading it a third time in that House at a sufficiently early hour to allow of its going up to the House of Lords the same evening.

Mr. SPOONER said, he was quite willing to accede to the wish of the Government, on the understanding that the third reading should pass *sub silentio*. He could not consent to forego the right to bring forward his Motion on any other condition, because he did not see any other clear night on which he could bring it forward for weeks to come.

Mr. GLADSTONE said, he was quite willing to consent to this, but at the same time he might perhaps be permitted to call the attention of his right hon. Friend the Chancellor of the Exchequer to the present unsatisfactory state of the law, which did not allow him to touch the deposit until the Loan Bill had received the Royal Assent, although he was compelled to pay interest on deficiency bills. He wished to know whether his right hon. Friend was willing to consider the propriety of introducing a measure to amend the law on this point.

The CHANCELLOR of the EXCHEQUER said, he must admit that the present state of the law was unsatisfactory, and he was willing to take into consideration the propriety of amending it, but he could not positively pledge himself to the introduction of any measure on the subject.

Bill read 3°.

On the Motion, "That the Bill do pass."

Mr. FREWEN said, that it had been rumoured that one of the Members for the City of London had contracted with the Government for this loan, and that in consequence there would be a new election for the City. He thought it was desirable that the House should know whether that was the case or not.

Bill *passed*.

THE CONFERENCES OF VIENNA—QUESTION.

Mr. BRIGHT: Sir, I wish to ask the First Lord of the Treasury a question upon a matter of very great importance. I was not in the House last night when the noble Lord gave an answer to the question put by the right hon. Gentleman opposite (Mr. Disraeli), but on reading what he said in the papers this morning it does not appear to me to have been either distinct or satisfactory. I do not put this question for the purpose of embarrassing the Government in any way. The noble Lord knows that for many weeks past I have been very silent on every matter connected with the war, believing that the noble Lord was desirous to make peace. We have now, however, entered on a new stage, and I am anxious, and so are thousands besides, for some precise information on this most important subject. The fact of the markets rising, corn having gone up from 5*s.* to 7*s.* a quarter, is an ominous sign, and proves the extent of the public anxiety. What I want to know is, whether the noble Lord at some early period will tell us distinctly what are the terms which we offered, in conjunction with the French Government, to the Russian Government; what the Russian Government has intimated its willingness to accept; and what other terms of settlement Russia intimated its willingness to propose, or has proposed? We want to know what is the exact distance between the point offered on the one side and the point intimated or offered on the other, in order that the country may know exactly what is the object of the prolonged war in which we are engaged. The noble Lord will admit that I have a right to expect an answer to these questions, unless some extraordinary reason connected with the resumption of negotiations should stand in the way.

Viscount PALMERSTON: If the hon. Member had been in the House yesterday he would have heard the question he has now put satisfactorily answered. I then stated that it was the intention of the Government to lay on the table of the House, at the earliest opportunity, the whole of the protocols of the Conferences at Vienna; and I added that I thought it would be found that those protocols would contain all the information that the House could expect.

Mr. BRIGHT: The noble Lord did not speak of the counter-propositions, or state any time.

Viscount PALMERSTON: The hon. Member will find all the information he requires in the papers. I may say, further, that my noble Friend the Secretary of State for Foreign Affairs has informed me that the papers are being prepared as fast as possible; and I do hope that they will be laid on the table in the course of a few days.

MAYNOOTH COLLEGE.

Mr. SPOONER * said, that once more he ventured to bring under the attention of the House the important question to which the notice standing in his name had reference. That question he regarded as a most vital one; and he conscientiously believed that a right settlement of it was necessary for the safety of the Crown, for the integrity of the empire, and for the happiness of his fellow-subjects.

Indeed, it was neither more nor less than this—would they maintain inviolate the Protestant constitution which had been so dearly purchased by their ancestors, and under which the country had so many years been blessed; or would they neglect that important duty, the relinquishment of which would be visited with consequences far beyond his power to describe? If they would maintain that constitution, they must look around them, and see where it was in danger, and he believed its greatest danger was to be found in the practice of yielding, with the view of conciliating, to those who never would be conciliated, unless they attained complete and absolute supremacy.

Since he had had the honour of a seat in that House, he had frequently heard it declared that nothing would satisfy the parties to whom he alluded but placing upon the same footing the Roman Catholic Church and the Established Church of England and Ireland. In bringing the present Motion before the House, he was impelled by a resistless sense of the duty which rested upon him, and he felt that he should be betraying the great trust reposed in him by his neighbours and friends who had returned him to that House, if he witnessed, in silence, the arrogant encroachments which were being made upon the constitution, and listened passively to the unveiled declarations that were put forth, by Roman Catholics themselves, as to their objects.

Various objections had been taken to his Motion; and to those objections he would now endeavour to give as plain an answer as he possibly could. The first to which he would advert was the objection as to time—an objection which, if the question were merely a political one, would be worthy of all consideration; but he dealt with the question as a religious question, and had no hesitation in declaring his conviction that the original establishment and continued endowment of Maynooth was a great national sin, and that if it were persisted in we should have no right to expect anything else than the judgment of Almighty God upon us for abandoning our high duties and sacrificing our great privileges. If, then, it were a sin, the present time was always the time to deal with it, and they were not to permit it to endure a moment longer than they could help; and, viewing it in this light, he felt that no political reasons would be sufficient to justify procrastination in considering this important subject.

The next objection was, that our gallant allies were Roman Catholics, and that we should do nothing that would have the effect of estranging them from us. But he had too much faith in the patriotic principles and generous feelings of our brave and gallant allies to suppose that any jealousy would be excited between the two nations on that score. Moreover, he had heard from a quarter in which he put implicit faith, and to which, if he mentioned it, every Member in the House would pay the most respectful deference, that at this moment there was a strong independent Gallican feeling aroused in France against the ultramontane doctrines which were taught at Maynooth, and which the Pope was endeavouring to enforce in that country. The Archbishop of Paris had at that moment a quarrel with the Pope on the subject of that most monstrous of all impositions—the Immaculate Conception of the Virgin Mary. There was as much jealousy in France on the subject of Rome as in England. But he (Mr. Spooner) would not put it on that ground; for he could never believe that our brave and generous allies could be deterred from the object for which they had joined this country by any such consideration.

But he would be told that our own soldiers are Romanists, and he would be asked if he meant to aggravate their feelings. His answer was, no. They were Roman Catholics, it was true, but they were also sound, good, loyal subjects, and if they were once abstracted from the dominion of their priests—once set free from the superstitious influences which beset them—he believed they would rejoice in their liberation as much as the Protestant people of England. They were actuated by true principles, and not even for a moment would he suspect that they could be swayed from their duty by such considerations as these. But there was another view of the case arising out of this. What was meant by not touching Maynooth for the present, while the Roman Catholic soldiers were fighting the battles of their country? Was it meant that it should be touched when that fighting was over? It meant that, or it meant nothing. If, however, that was its meaning, how could such a mode of dealing with these soldiers be tolerated? Was it not to act with the utmost deceit? Surely it would be wrong to conceal your intentions until the fighting was over, and then to carry them out. The House should tell them that, as Protestants, they could not conscientiously consent to support any longer an institution which taught an idolatrous religion.

Mr. FAGAN rose to order. Mr. Speaker had, if he was not mistaken, laid it down as a rule that expressions offensive to the religious feelings of the Members should not be used. The word idolatrous was highly offensive. He (Mr. Fagan) therefore put it to Mr. Speaker whether it ought to be used?

Mr. SPEAKER said, it was the practice, on all occasions, that expressions offensive to the religious opinion of any great body of the Members of that House were not desirable, as they were calculated to hurt their feelings.

Mr. SPOONER submitted to the decision of Mr. Speaker. He had no wish to irritate any man's feelings; but he might be permitted to say that the word was to be found in the Formula of the Church, as applied to the celebration of the mass, and that the doctrine of masses was stigmatised as one of "blasphemous fables and dangerous deceits."

The next objection that was made to his Motion was, that it would be a breach of faith to withdraw the grant from Maynooth; that a compact had been made, that an institution had been established, and that the Legislature had no business to touch it. He denied the compact, however, and he maintained that there was nothing to bind the House to continue the grant. It was, in fact, a free grant—a grant given by the liberality of this country, and no sacrifice had been made by the Roman Catholics which would render it of the nature of a compact. What Parliament granted freely, therefore, Parliament was free to resume, as the grant had not been made for any consideration. On this point he (Mr. Spooner) was quite of opinion with one whose memory was still highly respected in that House, and whose words still were received as authority—he meant the late Sir Robert Peel. On the 3rd of April, 1845, what said Sir Robert Peel? He said—

> "It is, I trust, conceived in the spirit to which I have referred, a liberal and confiding spirit. We have not introduced it without communication with the leading ecclesiastical authorities in the Roman Catholic Church. It has not been a subject of stipulation or contract with them. We have intimated to them our intention; and we have every reason to believe that they are satisfied with, and grateful for, the measure; that they will strongly recommend its acceptance; and that the great body of the intelligence and respectability of the Roman Catholic community will accept the measure as a liberal and efficient maintenance for the establishment at Maynooth."—[3 *Hansard*, lxxix. p. 37.]

That was the declaration of the right hon. Gentleman who made the concession—those were the consequences which that right hon. Gentleman hoped would follow. He asked any man who had ever held office under Her Majesty since that grant was made—any man who had had anything to do with the elections in Ireland—whether these expectations had been realised? If, then, the object for which the grant was given had failed—if the grant had been received in a spirit different from what had been expected—if the conduct of the recipients had been the reverse of that which it was intended should be promoted—did not the whole ground of that objection to his Motion fall away? But, besides this declaration of Sir Robert Peel, there was a declaration of the noble Lord the Minister for the Colonies, which was equally specific on this point. On the 3rd of April, 1845, the noble Lord said, in the debate on the subject—

> "I do not mean to argue, as has been done by other hon. Gentlemen, the question of compact, or whether it would be wise or prudent after fifty years, during which this grant has been made, to stop suddenly, and to declare that you will advance no further sums from the public purse for the purpose of educating the priests of the Roman Catholic religion. But, at the same time, I will say that if you found you were doing that which was mischievous to the community, and that the religious scruples of the community would not allow of the continuance of this grant, or, with reference to civil and political reasons, you found that those you meant to be the teachers of religion had become the leaders and conductors of rebellion—if, I say, you found for any of these causes that there was ground sufficient to refuse this grant—then I can see no valid reason why any compact should restrain you, or why, upon strong grounds of this kind, the House would not be justified in declaring that it would give no further allowance."—[3 *Hansard*, lxxix. p. 91.]

Leaders of rebellion. Disturbers of the public peace. These were the words of the noble Lord. Were they borne out by the conduct of the parties? If the records of the Irish elections were looked to, it would be seen what steps had been taken to ensure the success of the Roman Catholic candidates. And he (Mr. Spooner) would show that the doctrine taught in Maynooth fully squared with that conduct. He could show that two professors of that College had declared that it might be a mortal sin to vote for the wrong man; and the people of England were paying for the propagation of such pernicious principles. Every one of the cases contemplated by the noble Lord had, consequently, occurred; and he (Mr. Spooner) therefore claimed the support of the noble Lord for his Motion, as well as he did the authority of Sir Robert Peel. The deep-seated feeling of the people of England also called for a repeal of the grant. That was one of the grounds set forth by the noble Lord. He (Mr. Spooner) appealed, however, to hon. Gentlemen whether the communications from their constituents were not a universal and strong expression of their opinions on the subject of Maynooth? Surely, then, he might safely say with the noble Lord that if the religious scruples, as the noble Lord designated them—the religious principles, as he (Mr. Spooner) should designate them, of the constituency were thus outraged, the Legislature was bound to act accordingly.

He (Mr. Spooner) now came to the consideration of the Report of the Commissioners. He would observe that he had performed a task which he believed few other hon. Members had done, having diligently waded through this document, and called in the aid of most valuable assistance to enable him to digest the evidence that had been taken and to get at the real truth of the Report, so that he might place it more clearly and concisely before the House than he otherwise could have done. A careful examination would show that this Report was in great part a complete sham and deceit. When he first made his charges respecting Maynooth no one denied them; and the next year, being convinced of their truth, he declined a proposition of the noble Lord opposite to appoint a Commission, on the ground that the inquiry would be defeated by the Jesuitry of the College. These views were fully borne out by the Report. In the first place there occurred that most unwarrantable proceeding which the noble Lord at the head of the Government admitted to be a fact, namely, that the evidence taken before Her Majesty's Commission was sent by Dr. Cullen to Rome without Her Majesty's consent, and without the knowledge of some of the Commissioners; and that the document remained in Rome for several weeks, if not months. This happened while Parliament and the country were anxiously awaiting the result of the inquiry—whilst the evidence was being "cooked" with the view of making things pleasant. The proceeding was most unconstitutional, involving a breach of the Royal confidence, an insult to the Crown and to that House, and a trifling with the feelings of the people; and in other times impeachment would have followed such a traitorous transaction.

It was clear, on the face of the evidence, that it had been altered without the consent of all the Commissioners. The evidence must have been altered without the consent of the Commissioners. Was the noble Lord at the head of the Government aware that in the return of the bishops educated at Maynooth, made by the officer of the College, and published in the Appendix to the Report, the full territorial titles were given to a Roman Catholic as "Archbishop of Armagh and Primate of all Ireland," and to Dr. Cullen as "Apostolic Delegate" of the Pope, both of which designations were in open defiance of the Act of Parliament passed by the noble Lord, and of the ancient laws of the realm? The law had thus been trampled upon, apparently with the sanction of the Commissioners, but the sanction was only apparent, because he was authorised by Lord Harrowby, the highly-respected Chairman, to say, that these territorial titles did not appear in the return when given in evidence before them. How they found their way there it was not for him (Mr. Spooner) to say; but it was the duty of the Government to investigate the matter, and to bring the offenders to justice; and if they failed to do so, it was to be hoped that the House itself would insist on a searching inquiry.

The return in question was made by the President of the College, and appeared in page 133 of the Report (Appendix). One of the objectionable titles it contained was this — "Province of Leinster, the Most Rev. Paul Cullen, Apostolic Delegate." Now the law of England recognised no such person as an apostolic delegate, and the law officers of the Crown, if they had done their duty, would not have suffered the individual assuming such a title to remain in the country. Another name given in the same return was this—"His Grace the Most Rev. Joseph Dixon, Archbishop of Armagh, and Primate of all Ireland." It was to be regretted that, owing to a defect in the Act, the person who ascribed illegal titles to another was not equally punishable with the individual assuming them; but he confidently asked the Attorney General for Ireland whether, as this return was made by the authorised officer of the College, who was under the control of these Roman Catholic ecclesiastics, who were its principals and trustees, those ecclesiastics were not as responsible for the act of their agent as if they had themselves personally assumed these illegal titles? The Rev. John O'Hanlon, in his second examination, mentioned, in answer to a question put to him, the name of "Dr. Dixon, Archbishop of Armagh," giving in this instance again the prohibited territorial title. Should any prosecution be instituted under the Ecclesiastical Titles Act, or against any aggression of the Church of Rome upon the Church of England, would not this evidence be quoted as conclusively proving that we had admitted these Romon Catholic Bishops to the full enjoyment of the privileges they had arrogated to themselves? Would it not be said by them that a Royal Commission had given them those titles, that this House had accepted them, and had, by accepting them, given their sanction to such titles? Lord Harrowby had told them that he was perfectly sure these titles could not have been introduced into the evidence with the knowledge of the learned Dr. Twiss, for he said they were both exceedingly particular in guarding against any breach of the law. Well, then, it would rest with the right hon. Speaker and the noble Lord opposite, whether they would sit contentedly by, and suffer this grave breach of the law, giving it their sanction by allowing this illegal document to lie as an uncontradicted report among the records of Parliament. That was the case as regarded these titles.

He would now refer to a very important communication, the original of which was an anonymous one, but the communicator of which, though unknown to him, was well known to highly respectable persons in Dublin. There came into his possession, unsought for by him, some pages of the proof sheets of two of the witnesses' evidence, which had in some way or other got out of the possession of those who had them to correct.

He had therefore seen the alterations which had been made, not the first revision, not the revision of the short-hand writer's notes only, but in a revision of the revise. It was known and admitted that this evidence was in the hands of the persons who gave it for weeks and for months together, and during that time consultations were held, the evidence was reviewed, and the result had been such as he would allude to more particularly by and bye. He would first put it to any man at all accustomed to examine evidence, whether the course taken by the Commission was one calculated to elicit the truth. Their first step was to send out written queries and ask for written answers (relating to the particular doctrines and principles impugned), thus giving the different professors an opportunity of uniting to give such evidence as would suit their opinions; in other words, laying the foundation for a conspiracy, which conspiracy no man used to evidence, and who had examined these books, could say had not been most ingeniously and completely carried out. Then, again, Lord Harrowby was all along known to have been an advocate and approver of the present College, and no Commissioner was sent there whose opinions were not known to be in favour of Maynooth. Undoubtedly, Lord Harrowby was not a man to allow himself to be influenced by his own opinions in such a case, but he (Mr. Spooner) thought some one ought to have been sent with his Lordship who was opposed to Maynooth. Dr. Twiss, he believed, was similarly inclined with the Earl of Harrowby, though no doubt as worthy of confidence as his Lordship. He did say, however, that, remembering the constitution of the Commission, appointed as it was by a Government known to be favourable to this endowment, there was strong ground for suspicion.

He quoted its Report now, without any confidence in it, though, bad as it was, there was enough in it to show that the teaching of Maynooth was the same as it was when he first brought it before the House; that certainly there was no amelioration about it, but that, if anything, it was rather worse than before, and that Ultramontane doctrines were on the increase. The truth of the statement above referred to was strongly corroborated by communications made to him by Lord Harrowby before alluded to, namely, that alterations had been made in the evidence, that the full territorial titles had been given without his knowledge.

In the transcript of the short-hand writer's notes the Roman Catholic Bishops were only designated by their legal titles as bishops. The gentleman to whom he had referred said, he could prove on oath, at the bar of that House, that the ordinary permission given to witnesses to correct their evidence was far exceeded, and "that the evidence was so materially altered in many points as to destroy the spirit as well as the letter of both question and answer." He (Mr. Spooner) had seen some original questions and answers referred to, and this was a perfectly accurate description of what had taken place. [The hon. Member here held up the Report, on the first pages of which the evidence was seen as corrected and restored to its original condition at the time it was given, and exhibited a most unprecedented instance of mutilation and alteration, which created much sensation in the House.] His informant said, referring to another part of the evidence which had not come into his (Mr. Spooner's) hands—

"To a question respecting the turbulent conduct of certain students at Maynooth during political excitement, the original reply was this—That such conduct was scarcely to be wondered at when it was discovered that very many of those students were sent from dioceses such as that of Dr. M'Hale, and the students imagined that such ebullitions were tolerable because they were in unison with the avowed principles of their patrons." "This answer appeared in the short-hand writer's notes, but both the question and answer were erased, and marked 'irrelevant.'"

He asked hon. Members, knowing the way in which the Chairman of a Parliamentary Committee would keep the Report in the strict sense and meaning of the evidence, whether it was likely that a chairman would have ordered or sanctioned such alterations? There was another instance in which nine questions put to the Rev. Mr. Flannagan, the secretary to the trustees, which appeared in the short-hand writer's notes, were compressed into one question and answer in the Report. This was the evidence originally given—nine original questions and answers are compressed into this one—twenty-eight lines into twelve—also, the original oral evidence had eighty questions and answers, while the "doctored" edition had only twenty-two. The following is the true evidence:—

"65.—There appears upon the minutes, proposals for the purchase of different volumes. At whose instance were those proposals made?—The proposals are sent in, either through one of the members of the board, or through me, and I lay them before the board.

"66.—Do they come from the principal, or the council, or from whom?—From the person who wants to get a book purchased.

"67.—In the minutes there is this entry made —'Ordered, that fifty copies of the Rev. Dr. Donavan's work should be purchased for the College (at 50*s.* each, equal to 125*l.*)' At whose instance would that have been?—The communication came through me—it was sustained by two or three of the trustees.

"68.—Who put you in motion?—The author —if it is to be recommended. I am not prepared to say that those books are bought for premiums; some of them are given as premiums, some are sold, and some are given out for the use of the College.

"69.—Some years ago was there not a great loss in the purchase of a large number of breviaries ?—I am not aware of that.

"70.—A breviary got up by Coyne, 'Coyne's *Diurnal*,' 1,000 copies, to be purchased at 3*s*.? (150*l*.)—(*Answer*.) These would of course be required. [Why, and by whom ?]

"71.—'200 copies of Dr. Miley's book on the Papal States'—would that be at the solicitation of Dr. Miley himself, or at the instance of the principal ?—The communication came from him, not through me, but through some of the bishops.

"72.—'200 copies of *Cambrensis Eversus*.' At whose instance was that ? (1*l*. each, equal to 200*l*.)—I think it was the president that brought forward that *Cambrensis*.

"It should be taken into account that the trustees themselves have been for the most part either Dunboyne students or professors, and therefore they know of their knowledge what would be most useful for the College. There is no compliment for the author ever considered," (this seems a gratuitous remark,) "and there is no specific use mentioned when the books are purchased. It may be said—'this will be a very good book for the boys' premiums,' 'this will be a very good book for the library,' or 'this will be a very good book for the students.'

"73.—They are bought at the trade price, are they not ?—Yes."

This, which he would now read, was the doctored false edition.—Report, Part II., page 2, No. 21—

"In the minutes furnished by you to the Commissioners there are orders for the purchase of a considerable number of copies of certain books, namely, 50 copies of Dr. Donovan's work; 200 of Dr. Miley's work on the Papal States; 200 copies of *Cambrensis Eversus*, and 1,000 copies of Coyne's *Diurnal*, &c. &c." (No mention of breviaries here.) "From whom did these proposals come, and for what purpose were they purchased ?—The proposals came either from the authors, the translators, the editors, printers, or proprietors of the books. They were uniformly addressed to the trustees, through the secretary or one of the trustees ; and though the orders of the trustees to the bursar were simply 'to purchase so many copies of such a work for the College at the trade price, or at some fixed price,' I can answer that they were purchased for premiums, for sale, or for the use of the students in the library—such purposes being stated at the board when the question of purchasing was discussed."

This evidence was garbled in order to hide a job which was to put money into the pockets of the booksellers. This, in the original evidence, was too open, and therefore the questions and answers were compressed into one. This was, perhaps, not a matter of great importance, but what confidence could they place in evidence which had been so dealt with ? The correspondent he had alluded to also wrote that, "with regard to the titles of the bishops, both in the transcript copy and in the second and third revised proofs, they appeared in the simple garb prescribed by law, but that afterwards they were entirely altered," and that, "the minutes would be burthened with the assumed and high-sounding titles peculiar to the Romish bishops." Lord Harrowby had told him that some of the proofs of the evidence were sent for, time after time, and answers were returned that they were sent to this place and then to somewhere else, and that more time was wished for, so that it was delayed so long that they were obliged to leave the final arrangements for the printer with the secretaries.

It would appear that one of the Roman Catholic Commissioners had communicated, through Dr. Cullen, with Rome, and the only inference that he (Mr. Spooner) could draw from this was, that one of the Roman Catholic secretaries had communicated with the corrector of this evidence. He thought that this demanded inquiry, and asked the House whether they would suffer this evidence to remain uninvestigated, and sanctioned by the acceptance and adoption of this House ? Would they not adopt an inquiry in order to see whether this was correct or not, and to see who it was that had presumed to send evidence to Dr. Cullen, through whom it was laid before the Pope ? He remembered that when he asked the noble Lord at the head of the Government which of the Commissioners had sent the Report to Dr. Cullen, the noble Lord answered, "Of course one of the Roman Catholic Commissioners." It was nothing more than justice to say that this was unknown to Lord Harrowby, Dr. Twiss, or, as he was told, to Baron Pigot. It must therefore be the other Commissioner, Mr. O'Ferrall, who had done this ; and the hon. Gentleman the Secretary for Ireland was not worthy of his office if he did not institute some legal inquiry into this matter. If an inquiry into the matter were not instituted, the Commission would be deemed a farce and a disgrace.

It had been a work of great labour to arrive at the facts, with so much Jesuitry were they concealed, and he should have been unable to go through with it had he not been assisted by those who were accustomed to deal with such subjects. He had, in 1852, made a statement with regard to the books taught at Maynooth, and he had since renewed that statement, which now remained entirely unanswered and uncontroverted. They had not dared to deny the existence of the books to which he had referred, but they said they used them merely as class books, although the students had free access to them. But they were the books upon which lectures were grounded, and were therefore in fact used for the purposes of teaching. One of the most celebrated of the books (Liguori's *Moral Theology*), which was highly recommended by the dignitaries of the Church, contained the doctrine that equivocation in a good cause was justifiable. Dr. Wiseman had pronounced the author of this book to be one of the most celebrated—perhaps the most celebrated—of the casuists of the Roman Catholic Church. Another very high authority mentioned in the evidence as a book of first-rate reference upon Canon Law—Reiffenstuel—vouched for by Dr. Murray, a professor at Maynooth, as "the most celebrated of the Canonists," lays down this doctrine, lib. v. tit. 7, num. 313—

> "He who owes anything to a heretic by means of purchase, promise, exchange, pledge, deposit, loan, or any other contract, is, *ipso jure*, by the law itself, free from the obligation, and is not bound to keep his promise, bargain, or contract, or his plighted faith, even though sworn, to a heretic."

This was a Maynooth book of reference, and these were its commercial morals! It would require much more evidence than had been adduced, to convince him that those who used the class book in which such an opinion was pronounced had taken any pains to counteract the evil which it was calculated to produce.

He now came to a subject which he always approached with great reluctance—namely, the confessional—and he would take the opportunity of saying that he knew nothing about the disgusting and horrible publication upon that subject which had been sent to every Member of the House. When he received it he applied to the Protestant Association and the Protestant Alliance—the two Societies which took a deep interest in this question—to ascertain whether any of their servants or agents had dared to insult the House by the publication of such a disgusting statement. Neither of those Societies knew anything about the pamphlet, and he had not the shadow of a suspicion as to who was the author, although pains had been taken to discover him. He had, however, with the friends to whom he had alluded, who were competent scholars, compared the details contained in the pamphlet with the books from which they purported to be taken, and he found that they had been accurately quoted. He asked the House whether they were justified in calling upon the people of this country to contribute their money in order to circulate books which contained the disgusting details mentioned in that pamphlet? And this most important moral might be justly founded upon this circumstance—that if the private reading of the filth contained in those books was disgusting, they ought so much the more to revolt at the practice of contributing from the funds of this Protestant nation to teach such pestiferous and polluting matter. One of the highest authorities upon the subject of the confessional was Liguori, who said, vol. i. lib. iv. tr. 4, No. 634—

> "This seal" (of confession) "is an obligation of Divine Law, most strict in every case, even where the safety of a whole kingdom should be imperilled, to conceal, even after the death of the penitent, all those things that have been spoken in confession" (that is, in order to sacramental absolution), "a disclosure of which would render the sacrament irksome or odious."

This was a book which, above all others, was relied upon by the best authorities of the Roman Church, and given to the study of young men; but was it a book that ought to receive the sanction and approval of the Legislature of this country? He felt assured that the whole nation did join in thanksgiving at the providential escape of our august Ally the Emperor of the French from the recent attempt that had been made upon his life; but suppose that the intended assassin had confessed to the priest that he purposed committing the crime he had attempted to perpetrate, the confessor, on the authority of this highly recommended book, dared not have divulged the premeditated crime, because the seal of the confessional was held to be inviolable. In another part of the work, the reason given why the priest must not disclose a fact made known to him in the confessional, was, "because he knows it, not as a man, but as God."—Ib. No. 646. In fact, it was held that the priest stood in the confessional in the place and character of God—oh! the blasphemy of such a statement!—to hear the confessions and outpourings of the heart of the sinner.

Regarding elections: in reading the evidence given before the Commissioners, it would be found that almost every professor began by stating that the Pope had no power to interfere with anything temporal, and that, generally speaking, the elections were temporal matters; but, in a most Jesuitical manner, the question was then met by stating that there might be occasions when it would become a mortal sin to vote for a wrong candidate; that it was the duty of the elector to consult the benefit of the Church; that, in certain cases, their temporality became swallowed up in their spirituality, and that in such cases the priests were not only authorised, but obligated, to influence the elector in giving his vote.

Dr. O'Hanlon, in his evidence before the Commissioners, No. 148, admitted that the distinction between temporal and spiritual affairs was sometimes "a very nice one, and was no doubt a troublesome question," and that there were some matters which were not necessarily either of a purely spiritual or a purely temporal nature. The same witness acknowledged that every vote for a Member of Parliament was a temporal matter, its immediate end or object being to invest a man with a trust or privilege to be exercised to some extent or other for the worldly benefit of the people; but he then proceeded to state that a vote might also become a spiritual matter, because its direct and immediate effect might sometimes be the commission or avoidance of sin. Further on, in his evidence, Dr. O'Hanlon stated that the priest was not competent to inflict any censure of the Church, yet "absolutely speaking, he would be warranted in withholding any sacraments of the Church from a man by reason of his preferring one candidate to another, because a priest is not only warranted, but bound, to withhold the sacraments from a man who is disposed to commit a mortal sin." In the case of simple and ignorant people, who, the witness said, were a very numerous class in Ireland, it was said to be necessary that some intelligent person should prescribe the course they ought to pursue, because they were utterly incompetent of themselves to form any rational or decided judgment on the matter; and that the most likely man was the priest. Thus, it would be seen that the latter part of the evidence of Dr. O'Hanlon entirely contradicted the former part, wherein he stated that the Pope had no right whatever to interfere in elections. If the charges which had been made in newspapers and other publications in this country against Roman Catholic priests had been falsely preferred against any clergyman in this country, he ventured to say that on the first day of term an application would have been made by the person accused for a criminal information against his slanderers. Could it be supposed for a moment that any well-educated, honest priests, against whom such charges were made falsely, would submit to them if they were innocent?

With regard to the subject of oaths and equivocation, he found in Liguori (lib. iii. tr. 2, No. 154,) the following passage—

> "These things being established, it is a certain and common opinion among all divines, that for a just cause it is lawful to use equivocation in the propounded modes, and to confirm it with an oath."

Liguori's definition of a just cause was—"But a just cause is any honest end, in order to preserve good things for the spirit, or useful things for the body." How was it possible to live in society with any security upon such terms as these?

He would now ask the attention of the House to the subject of the rejection by the Roman Catholic authorities of the works of Bailly. The Commissioners reported—"The works of Bailly having been placed in the Index of prohibited books at Rome, the trustees of Maynooth at their next meeting directed them to be discontinued in the College." The Rev. J. O'Hanlon, who was examined before the Commission, in reply to the question whether he knew why Bailly had been condemned, and why his works were placed in the Index, said—

> "I have no official or positive knowledge why he was condemned; but, if it be necessary to give an opinion on the subject, I should say that he was condemned because he was a decided Gallican. (Appendix No. 1.) It is perfectly certain that the Gallican doctrines, at least to their full extent, are not acceptable to the Pope. Besides, Bailly has advanced a doctrine on the subject of marriage, which is also distasteful in Rome." "Bailly maintains the separability of the contract of marriage from the sacrament, contending that marriage among Christians may exist as a valid contract without being a sacrament. The present Pontiff, in his Allocution to the Cardinals, September, 1852, in reference, I think, to some disputes which were at the time disturbing some of the South American Churches (with the Archbishop of Lima), has formally laid down that no marriage among Christians can be valid unless it be a sacrament. Bailly and the French theologians generally maintain a different opinion; and this may be one of the reasons, if not the principal one, why Bailly was disapproved of by the Pope, and placed in the Index."—*Report*, pt. 2, p. 5, No. 8.

The fact was that Bailly opposed the doctrines of the Ultramontane party with respect to marriage, and maintained that marriage among Christians might exist as a valid contract, without being a sacrament.

Dr. O'Hanlon was asked whether it would be considered as a matter of course that any book put in the Index was not to be used in any Roman Catholic College, and he stated that the Index was not received, and therefore imposed no obligation in Ireland, adding, "but, as clergymen belonging to an ecclesiastical institution, we feel ourselves constrained to defer to the express wishes of the Pope," and that it would be "unbecoming to continue a book which the Pope had disapproved." And again—"The placing such a book as Bailly in the Index in the time of Louis XIV. I am sure would not have displaced it in the French Universities." [Who, it seems, were before the British as to constitutional independence.] What, then, became of the declarations that Papal Rescripts, Allocutions, and Bulls were not legally binding? What became of the declaration that the Pope exercised no influence over Maynooth College? He would ask that House, were they disposed to truckle to the Pope? What did it all amount to, but that this country was absolutely contributing its money to support the teaching of doctrines under the guidance and direction of the Pope, who, it was clear, had the control of all the books used in the College of Maynooth for the purposes of education, and whose authority every priest was bound in conscience to obey? One of the professors, Dr. Crolly (p. 29, part ii.), had stated this matter clearly enough, thus—

> "I repeat, if the Pope issue any commands on the subject of education, it is the duty of the subject to obey. If the Pope had not control of education he might as well give up ruling the Church altogether."

He could produce many other extracts with regard to these books, but he hoped he had said enough to induce hon. Members to read them. He was afraid Ministers had no time to make themselves thoroughly acquainted with them. The book of Bailly had been rejected because it maintained that a marriage was valid without being a sacrament. The Ultramontane doctrine, the opposite of that, was, that every marriage, to be valid, must be a sacrament. Let them suppose the consequences of applying such a doctrine to civil succession and other matters connected with marriage in this country. Let them recollect the large body of priests who had been educated, under the influence of the Pope, at Maynooth, and the results that would follow if they were unhappily to succeed in embuing the population of this country with the Ultramontane doctrine in question. What had happened once might happen again. Questions of succession might arise with regard to the Crown; and as the doctrine of the Church of Rome was, that every marriage, to be valid, must be a sacrament, an inference might be drawn that there was no legitimate marriage of the Sovereign, and therefore, no legitimate succession. He called upon them to stop the support given to a clergy who bowed to the Pope's decrees, and who were found by the evidence—garbled and cooked as it was—to acknowledge the express wish of the Pope as a command with regard to the education in the College of Maynooth. It was by their means, under their patronage, that such anti-national views and wishes were carried out.

He asked them to put an end to such a system. He asked to be allowed to bring in a Bill to withdraw the national consent and support from a College positively and directly under the influence of the Pope, and which thinks itself bound to obey his wish so far as to afford only that education which he in his wisdom might think fit. The Bill which he proposed to bring in had been most carefully considered. It would provide that out of the present grant the students at the College at the time of the passing of the Bill should continue to receive their allowance up to the conclusion of the period of their residence—that was to say, till eight years from the dates at which they had respectively entered the College. It was also but just that the professors employed in teaching the students should have their allowances continued to them during that period. He thought it was only fair—however opposed the whole system might be to their consciences—that they should not leave those young students who had entered Maynooth, to become the victims of the national sin which this country had been guilty of in endowing the College. That burthen, that moral wickedness, they must take on themselves. With the exception mentioned, he should propose to abolish all support to Maynooth, so that it might no longer be an incorporated body, or have the national sanction of a corporation. He proposed that the members of the present corporation should be constituted trustees, and that they should have full power as trustees to deal with all their property in the same way that they might have done before the Act of 1845. The passing of the Bill would be a national abjuration of the principle upon which Maynooth had been founded—a declaration that they were wrong, and that they had committed a great national sin, while, at the same time, it would provide for the completion of the education of those young men who had entered the College trusting to the promises of the Legislature.

He entreated the House to consider the great national responsibility which had fallen upon them.

They had called upon the Sovereign to take an oath to maintain the constitution of Church and State as by law established. They had taken a solemn oath of allegiance to the Sovereign, the meaning of which was, that they were bound to uphold the Sovereign in maintaining the constitution as established by law. In making an appeal to the Dissenters, he could assure them that, if anything more was wanting to perfect religious toleration, no one would more willingly consent to it than he would. He asked them to consider their own fate if Papal Rome should obtain its supremacy. They would do well to recollect the old fable of the lion and the ass, and not to flatter themselves that they would enjoy in that event even the ass's privilege, which was to be devoured last. If they destroyed the Church of England they would destroy the very bulwark of their own toleration, and would speedily become the victims themselves. Among Roman Catholics there were, he believed, many sincere Christians, who, through the forms and ceremonies of that Church, really worshipped the Saviour, notwithstanding the erroneous character of the forms themselves, and in appealing to them he did so with confidence, though deploring their mistaken opinions in religious matters. It was his lot to reside in Worcestershire, in the immediate neighbourhood of some Roman Catholic families of the highest respectability. He believed that most of them had never investigated the pernicious doctrines which were taught in the books in question at Maynooth. He knew that they were good neighbours, impartial magistrates, liberal dispensers of charity, and he acquitted them altogether of the least intention of being in any way guided by doctrines such as those to which he had referred, and which, notwithstanding the cheer of the hon. Member well versed in all the trickery of the system, he repeated, were taught at Maynooth.

He begged the House to consider the working of Sir Robert Peel's Act. Had

it conciliated Ireland? Were they not on their knees to the priest? Had they not heard the very name of toleration denounced as an insult? Had not every concession been followed by fresh demands? In spite of the oath not to disturb the existing state of property of the Established Church, Roman Catholics in that House and on the hustings, in terms not to be mistaken, had declared that they would not rest satisfied till they enjoyed equality with the Established Church in Ireland. [*Cries of* "Name!"] He had repeatedly heard such a declaration from the benches on the other side; and when last he alluded to it he was met by assenting cheers from two or three Members on the other side. They cheered his assertion that they had declared that they never would be content till they were on an equality with the Protestant Establishment. Would not that be a disturbance of those relations of the Church which, by their oath, they were bound to respect? The lesson to be learnt from the past was, that the more they conceded to Roman Catholics the more they required; the more you gave them the more haughty were their demands; and that they would never cease their efforts, till this country should cease to be that which was its glory and pride—a Protestant country with a Protestant Sovereign, with a Protestant Church established by law, and with Protestant Dissenters freely tolerated and in the full enjoyment of all civil rights and privileges. He hoped he had said nothing to hurt the feelings of any one. His only aim in what he had said with respect to those who differed from him in their religious creed was, that he might be the happy instrument of opening their eyes by leading them to see the errors and delusions under which they had so long laboured.

In conclusion, he would say that he could hardly expect many more opportunities of addressing the House on this subject. He had come to that age when he was no longer actuated by ambition—at least, by any other ambition than that of conscientiously discharging his duty to God and to his country; and it was his earnest prayer, as an old man, contemplating, perhaps more closely and more intensely than he ever had done, the realities of eternity, that the House and the country might, in time, see the full extent of the responsibility which pressed upon them in relation to this question. He looked upon the support of the Roman Catholic religion as a national sin. Let Bible readers examine the Holy Word of God, and see how that religion was denounced as a high crime against Almighty God, and how the finger of Providence was pointed against it. He trembled when he looked at the precipice on which his country stood, and it would be to him a source of inward comfort and satisfaction in the nearer view of that change which awaited him if he could see the prospect of an arrest being put on the progress of Popery, and a way opened for the advancement of true religion. He could not apologise for having so long detained the House, for he felt he had only performed a most bounden duty in so doing, but he did most sincerely thank the House for its very kind attention to his observations.

Mr. DUNLOP rose to second the Motion. He did so, he said, without the slightest hesitation, but not without some regret as to the position of antagonism to his Irish friends in which his sense of duty placed him. He could say for himself, and those who thought with him, that they found themselves opposed to these friends with regret; but they were actuated by no desire to deny them their just rights and legitimate influence. If they looked back to the time when the struggle for emancipation commenced, it would be found that, while in no part of the United Kingdom was the Roman Catholic religion more strongly opposed than in Scotland, nowhere was a more hearty and generous support given to the just claims of the Roman Catholics; and he believed that in Scotland still, if any attempt were made to deprive them of their civil privileges, the people would stand forward, as before, and maintain their right to the most perfect equality in every respect with their Protestant fellow-citizens. Speaking for those who agreed with him in these matters, he would say that they sought to deprive the Roman Catholics of nothing which they asked for themselves. They desired no endowment for their non-established communions. In Ireland they desired to maintain no body superior to another in reference to endowments; and last year they felt compelled, by a sense of justice, to vote against the continuance of the *Regium Donum* in Ireland, affecting deeply though it did their Presbyterian brethren in that country. Their friends on the other side, with whom they co-operated on this question, knew that they had no desire to maintain the Established Church of Ireland, and that they looked upon the abolition of the endowment of Maynooth as a step towards the overthrow of that establishment. The operation of the system under which Maynooth was endowed acted injuriously upon our rulers themselves. They had never yet seen a Ministry who had resolved to maintain their power solely by doing that which they believed to be just and right, and most conducive to the interests of the people at large. Formerly Governments courted the great borough proprietors. Since the passing of the Reform Bill they had applied themselves to obtain the support of some one class or another in the State, and, in following out that principle, they desired, above all things, to have religious bodies subject to their influence, which must be alike injurious to the governors and the governed. The endowment of Maynooth was in itself indefensible upon any ground; but as his hon. Friend the Member for North Warwickshire (Mr. Spooner) had considered the question principally in a religious point of view, he should, in the observations he had to make, address himself to its social and political bearing. There were various reasons why he objected to this grant. In the first place, its continuance maintained a constant danger of the endowment of the Romish clergy, and consequently of all denominations, without regard to truth or error, a system which would thus be fatal to the freedom which he thought ought to be maintained in religious matters generally. Then, setting aside for a moment the main proposition that this endowment was indefensible, as being paid for the purpose of preparing men to teach that which was contrary to the truth, he maintained that, in a social and political light, it exercised a very injurious influence. It had been the great desire of the educational reformers of this country to bring the people to adopt one system of united instruction. The efforts which had been made in that direction in Ireland, however, had been strenuously resisted by the clergymen of the Roman Catholic Church, and that they were likely to continue in the same course of obstruction was manifestly proved by the evidence which had been laid before the Commission. Professor O'Hanlon, in his evidence, had stated that when the Pope issued his commands with reference to discountenancing a particular plan of education, he had a perfect right to obedience, inasmuch as such obedience was no sin; and "that if the Pope had not the power of controlling education he might as well give up ruling the Church altogether." Now, he (Mr. Dunlop) should ask, what must the fate of education in Ireland be when committed to the direct influence of the author of the "Index"? But let the House look at the question in a political point of view. Maynooth was a seminary for the training up of priests, whose duty, as it appeared from the evidence taken before the Commission, it was not only to advise a member of the laity with respect to the vote which he should give at an election, but to debar him from the sacraments if such advice were neglected. It had been asked by the Commissioners whether a priest might impose upon any individual the obligation of voting contrary to his own judgment, and the answer had been that if the judgment of the individual were a rational one he could not, otherwise the priest might insist upon his acting in opposition to that judgment. It had also been stated that in the case of simple and ignorant people—a very numerous class in Ireland—it was in the opinion of the professor who had given the testimony, not only the privilege but the bounden duty of the Roman Catholic priest to prescribe to him the course which he ought to pursue with respect to voting for any particular candidate at an election, and that it was the duty of such individual to follow that advice. In the evidence of Dr. Moriarty, in answer to the question—

> "Are there no circumstances under which the Pope could release a citizen from his oath of allegiance?"

The reply was—

> "Most emphatically I say, none. But as our greatest constitutional lawyers, and, as I think, our best theologians, hold that there are cases when the allegiance of the subject ceases, and when the Government of a country may be justly overthrown, I consider that the Pope is the fittest authority to decide in many cases whether such circumstances have arisen; in many cases he could not decide, and I firmly believe that in such cases he would not undertake to do so. In no case can he cause the allegiance of a subject to cease; his power in such a matter being simply declaratory, not enabling."

The Pope could not make the allegiance to cease, but he could declare when circumstances existed which in themselves brought the allegiance to an end. All depended upon the value of the declaratory judgment of the Pope, and with reference to that question the answer was—

> "Were we to consult the Holy See upon our allegiance or obedience to our temporal Sovereign, and that an answer were given us, it ought to satisfy the consciences of Catholics, considering the maturity with which the Holy See proceeds, and considering also that we know it to be an authority divinely appointed and divinely assisted for our guidance in the way of salvation, and, consequently, in the path of duty. But as the Pope's infallibility does not extend to particular cases, and as the decision might rest on allegations the truth of which some might doubt, I can conceive that, in certain circumstances, some might not be entirely satisfied, even though retaining all due reverence for the Holy See."

And, again, he said it was a mistake to suppose that obedience to the Pope was limited to this matter, for Dr. Moriarty was asked the following question—

> "At the same time, if a man were disposed to transfer his allegiance, or to give it up, that decision of the Pope would enable him to give it up with a safe conscience, would it not?"

And the reply was—

> "Yes; for a Catholic should feel his conscience at rest when acting in accordance with a decision of the Pope."

Now, they had among the Roman Catholics a body of men who formed a certain political party in this country, and was it, he would ask, reasonable that the State should be asked to establish for any particular party—suppose for the Jacobites of other times—a college by which they might the more efficiently carry into effect the political views which they happened to entertain? Such a proposition would be absurd in the case of any political party, and it was still more so when applied to the Roman Catholic priests, who were the subjects of a foreign potentate—the head of a great political organisation. The connection between the Government and the Roman Catholic hierarchy constituted a union painful to every person who had the interest of his country sincerely at heart. They had become acquainted with instances in which the pope had been consulted with reference to measures of internal government to be adopted in this Kingdom; and he could not help feeling, that whether in the case of a Pope, an Emperor, or a King, it was a fact dishonourable and dishonouring to those concerned in it, injurious to the dignity of the Crown, and detrimental to the best interests of the nation, that any Foreign Potentate should be permitted to have a voice, even in the slightest degree, in the management of the internal affairs of this country. The whole system, in fact, was utterly at variance with the spirit of liberty which prevailed in Britain, and tended to destroy that right of private judgment which was essential to nerve the human mind in maintaining its independence. There were two Amendments about to be proposed to the Motion of the hon. Member for North Warwickshire; one by the hon. Member for Birmingham (Mr. Scholefield) and the other by the hon. Member for Westmeath (Mr. Pollard-Urquhart). Both of those Amendments had for their objects to draw the House away from the consideration of the question of the endowment of Maynooth. The hon. Member for Birmingham proposed that all church endowments in Ireland should be abolished, and, for his own part, he (Mr. Dunlop) was perfectly willing that all sects should be left free without any endowment; but at the same time, in carrying out those views, he did not deem it necessary to combine the elements of opposition against him. He believed, also, that many who supported that Amendment two years ago were now willing to take those endowments one by one, and to deal with them in detail. He had considerable satisfaction in thinking that the grounds of opposition to the particular endowment under their consideration had become more enlarged than had some time since been the case, and that they were not based upon the desire to act oppressively with reference to any religious body in particular. We had arrived at a period when we no longer sought to throw any obstacles in the way of the enjoyment of the political or religious liberty of Roman Catholics; but at the same time we should be prepared to insist that a system, such as that which prevailed in Maynooth, should not be fostered by the State.

Motion made, and Question proposed—

"That this House do resolve itself into a Committee for the purpose of considering the Acts for the Endowment of the College of Maynooth, with a view to the withdrawal of any endowment out of the Consolidated Fund, due regard being had to vested rights or interests."

Mr. POLLARD-URQUHART said, he had given notice of an Amendment to the following effect—"That the House resolve itself into Committee to consider the existing state of Ecclesiastical endowments in Ireland." The objections of the hon. Member for North Warwickshire (Mr. Spooner) to the endowment of Maynooth were based upon three grounds; namely, that it was anomalous that a Protestant State should endow a Roman Catholic College; that the theological opinions of the Roman Catholic clergy deserved condemnation; and that they themselves interfered unjustifiably in politics. With respect to the first objection, he was to a certain extent inclined to concur in the opinion that there was an anomaly in a Protestant State endowing a Roman Catholic college, but did not the endowment of Maynooth bear testimony to the still greater anomaly of the whole ecclesiastical system of Ireland? Had not that endowment been a sort of set-off against the still greater anomaly of maintaining a Protestant establishment in a country where five-sixths of the population were members of the Roman Catholic persuasion. In 1795, the success of the French arms, and the unsettled state of Ireland, had alarmed the English Government, and then it was that upon Maynooth an endowment had first been bestowed. In 1845, the augmentation of that endowment had been the result of the convulsion occasioned in Ireland by the monster meetings, and of a dispute with America in relation to the Oregon boundary, which at the time had assumed a somewhat serious character. If the Government of the present day were to follow out the policy of Pitt and Peel, the grant of Maynooth ought to be still further increased; because the position of the affairs of this country was now such as ought to make Her Majesty's Ministers not a little uneasy. The worst enemies of England, even the Czar himself, could desire nothing more anxiously than that some measure should be adopted which would irritate the public mind in Ireland and convulse once more that country, rendering again necessary the presence there of 30,000 troops, and causing the fidelity of the army abroad to be suspected.

"Hoc Ithacus velit, et magno mercentur Atridæ."

By no means, certainly, could such a proceeding be more speedily realised than by the success of the measure which the hon. Member for North Warwickshire had announced it to be his intention to propose. No more effectual course than that could be adopted to convulse Ireland with monster meetings from one end of it to the other; to sow the seeds of disaffection in the minds of the Irish people, and to prevent them from enlisting in our army. He therefore should entreat the House to beware how, in a moment of danger such as the present, they gave their sanction to the principle which the hon. Member for North Warwickshire asked them to adopt. With reference to the political influence which the Roman Catholic clergymen in Ireland were said to exercise, he should observe that they, for the most part, belonged to the class of small farmers, that they passed their youth among the people, that their sympathies were with the people, and that it was, under such circumstances, but natural that they should upon almost every occasion be consulted by the members of their flock—the more so, because he was most likely the only educated person with whom they happened to come in frequent contact. Previously to 1826, when Catholic Emancipation became the question of the hustings, the advice of the Roman Catholic clergy was confined entirely to private concerns, and they never interfered to direct the political suffrages of the people; but when it became the great question, whether a person professing the faith of the great majority of the people should or should not be qualified to make laws, many tenants, who had before given their votes cheerfully in accordance with the wishes of their landlords, were brought to the poll to record their votes, at the risk of being turned out of their holdings if they refused, against the man who thought that the religious faith which they entertained ought not to disqualify a person from being eligible to make laws. It was not surprising, therefore, that the Roman Catholic clergy should then advise the people how to exercise their suffrage, and should tell them to make it a point of national or religious honour to vote for the candidate who did not think that their religious faith should form a political disqualification. Such was the first occasion of the political interference of the priests in Ireland, and such the cause which forced the ministers of religion to become the tribunes of the people. Many reasons had since induced the Roman Catholic clergy to continue to exercise the same influence, and at the last election they were of opinion that a very unnatural and a very unchristian spirit of bigotry had been attempted to be raised against their religion throughout the United Kingdom. He knew that many persons objected not so much to the political interference of the priests as to the language they had been reported to use. Far be it from him to justify some of that language; but it was not fair to ascribe to the whole body language only used by a portion, and it should be borne in mind that exaggerated expressions were very common on the other side of the Channel among all parties. But had the Roman Catholic clergy confined themselves to directing the people how to dispose of their suffrage? Had they not at different times done their best to suppress attempts at revolution, and was it not almost entirely owing to the exertions of the Roman Catholic clergy that the attempted rebellion in 1848, which might have proved a very serious embarrassment to the Government, was prevented? The charge against the Roman Catholic clergy was, that they had taught the people how to gain their liberties by constitutional means, but they had at the same time prevented them from using violence. But were the Roman Catholic clergy, and especially those connected with Maynooth, the only clergy who interfered with politics? Montesquieu stated, that to the interference of the clergy in Spain, it was to be attributed that that country had not become one of the worst of despotisms. But was the hon. Member for North Warwickshire quite sure that the Roman Catholic priests were the only clergymen who interfered in politics? If such was the case he was entirely mistaken, and was attributing to the Roman Catholic clergy a line of conduct in pursuing which they were, as compared with the ministers of other religions, by no means singular. Was it not notorious that the Scottish clergy had in past ages taken a leading part in the struggles of their nation for civil and religious liberty? Was it not equally well known that the Dutch Protestant clergy had largely contributed to raise the House of Orange to sovereign power in their country? And were hon. Gentlemen opposite quite sure that the Protestant clergy of these kingdoms did not at the present day interfere in politics? Was it not generally supposed that the right hon. Gentleman the Member for Oxford (Mr. Cardwell) had at the last general election failed to secure his return for Liverpool, in consequence of the opposition of the Protestant clergy? He (Mr. P. Urquhart) could state, that at his own last election the parson of his parish had canvassed against him. So much for the political part taken by Roman Catholic clergymen—so much for making that an argument against continuing the grant to Maynooth—a grant which he would be prepared to consider the propriety of withdrawing, if the hon. Gentleman the Member for North Warwickshire would consent to open the whole question of Ecclesiastical endowments in Ireland. But until the hon. Gentleman and his supporters should show their readiness to adopt that course, he should feel it his duty to offer his strenuous opposition to that Motion. After the observations that had been made, he should not press his Amendment.

Mr. SCHOLEFIELD said, he could not help regarding the present Motion as a fresh product of that sleepless bigotry which found in his hon. Friend the Member for North Warwickshire (Mr. Spooner) an ever ready and willing instrument—a bigotry which, he believed, would never be satisfied until it should have brought every faith and persuasion within the narrow limits of its own wretched sectarianism. He thought he might take it for granted that the main charges against the College of Maynooth were that it taught religious error—that its doctrines were inconsistent with loyalty to the State—and that some of its teachings were essentially and grossly immoral. Into the question of religious truth or error the Commissioners appointed to inquire into the state of the College of Maynooth could not enter. It was not their province to say what was or what was not religious truth. But the Commissioners had reported on the question of loyalty inculcated at that College, and also on the question of the morality of the students. He would, before resuming his seat, read two extracts from the Report bearing upon those points. He should, however, first remark that his hon. Friend the Member for North Warwickshire had not read a single passage from the Report; but had made all his quotations from the evidence given before the Commissioners. Now it should be observed that the Report was not founded on any special portion of the evidence, but on the evidence generally, while any particular part of the evidence could only convey the opinion of some one individual; and, under these circumstances, he did not think it altogether fair that his hon. Friend should have made no reference whatever to the Report. Upon the subject of the loyalty inculcated in that college, the Commissioners stated that—

> "All the students are required during the year following their entrance, to take the oath of allegiance;"

and they afterwards added—

> "We should be doing injustice to the college if we failed to report, as the general result of the whole evidence before us, that we see no reason to believe that there has been any disloyalty in the teaching of the college, or any disposition to interfere with the obligations of an unreserved allegiance to Her Majesty."

Then, with respect to the morality of the students, they stated—

> "We have heard no imputation from any quarter against the moral character of the young men, and we have no reason to believe that their general conduct is other than irreproachable."

And, again, when treating of the preparatory instruction for the confessional, they declare—

> "We are here bound to say that we have no reason to believe from the evidence of any party that these studies have had a practically injurious effect on the mind and character of the students."

This was the general result of the Report, and it was in that way he wished to view it, and not in the partial and contracted spirit in which it had been taken by a body of Gentlemen with whom the hon. Member for North Warwickshire was associated—namely, the Protestant Alliance. That body had put forth a publication called *Ten Facts from the Maynooth Report*, which had, he believed, been circulated among the Members of the House generally. The title in question would naturally imply that the facts had been taken from the Report itself, and not from the evidence. But the very first of those facts, which was headed "The poverty urged for the endowment is unsustained," was stated not on the authority of the Report, but on the authority of the Rev. Denis Brasby, one of the witnesses. And who was the Rev. Mr. Brasby? Why it appeared that he was a gentleman who had at one time brought an action against the president of Maynooth for a gross and malicious libel. He (Mr. Scholefield) did not mean to undertake the defence of the president of Maynooth in that case; he had nothing to do with that matter; but he said that the evidence of a gentleman in the position of the Rev. Mr. Brasby was not that on which any charge against the college could be made fairly to rest. It was stated, in the next place, in the publication to which he was referring, that "the oath of allegiance was evaded." That fact was alleged to be taken from the Report; but there was not a word to that effect in the Report signed by the Commissioners. The evidence adduced in favour of the allegation was that of the Rev. Mr. Brasby, and that of the Rev. John Burke, a convert to Protestantism. Now he did not say that a convert to Protestantism might not tell the truth just as well as any other man; but he said that that was not the evidence from which any one anxious to state the facts of the case fairly would make his selections. The authors of that publication further stated, that "the money is paid, but loyalty is not taught," and they added that "the Commissioners only stated that they had no reason to believe that there was any disloyalty taught." But the Commissioners had gone further, for they had stated that—

> "They should be doing injustice to the college if they failed to report as the general result of the whole evidence before them that they saw no reason to believe that there had been any disloyalty in the teaching of the college."

His hon. Friend (Mr. Spooner) had talked of the Jesuitry professed at Maynooth, but he (Mr. Scholefield) could not help observing that he had never seen a more remarkable instance of Jesuitry than that displayed by the gentleman who had drawn up that pamphlet. What were the reasons why that endowment should be withdrawn? His hon. Friend had given them to understand that it was not so much Maynooth as the Roman Catholic religion to which he objected. But it would be a perfect absurdity to suppose that Parliament would withdraw the grant to Maynooth because the Roman Catholic religion was taught there. If his hon. Friend wished to succeed in his object, he should show that the profession of the Roman Catholic religion rendered men unfit for the proper discharge of the duties of life. But where was the proof that the profession of the Roman Catholic religion made men less loyal, less chaste, less honourable, less good, than his hon. Friend or the followers of any other creed? He wanted to know if the thousands of Roman Catholic soldiers at present serving in the East were less brave, less faithful to their Queen, and less devoted to their duty than the best Episcopalian Englishman or members of the Church of Scotland? His hon. Friend dared not say that they were. But his hon. Friend had told them that he had the support upon that occasion of gentlemen who were *par excellence* the friends of religious liberty, which liberty they considered was at present in danger. It was certainly an extraordinary circumstance that religious liberty should be in danger, and that its defender should be his hon. Friend, who was the sworn enemy of every measure for the relaxation of the laws imposing disability on the Jews or Dissenters. It appeared that there was a society in London called "The Liberation of Religion Society," which also supported his hon. Friend. He confessed he could not understand why it did so; but if the members of that society were only as true to his hon. Friend as they were to the cause of religious liberty, to which they professed a special allegiance, he did not think his hon. Friend would have much reason to congratulate himself on their support. Where was the smallest evidence that the presence of Roman Catholics among us in any way jeopardised our civil liberties? If he could see any indication of an attempt on the part of the Roman Catholics to destroy our civil rights, he should be prepared to pass the most stringent measures to restrict such an attempt. He was assured, however, that his hon. Friend was not contending for religious rights or liberties, but for what might be considered religious truth. But that surely was not the place to consider what was religious truth. What was religious truth to one man was religious error to another; and by what authority could his hon. Friend undertake to decide for other men what was religious truth? He knew of no such authority for any men in the world; and least of all did he know of any such authority for men—he was not then speaking of his hon. Friend, but of other parties—who seemed to know all Scripture by heart, and to have every one of its texts present to their minds, except that one which declared that "Charity is above all." He believed that the Church of England had many grave errors to answer for. But, at all events, its high educational training had contributed hitherto to keep it comparatively free from a spirit of narrow and illiberal persecution. He was sorry, however, to have to say, that he saw many symptoms at present that the Church was imbibing that spirit. He found among its members men of highly respectable positions, who, not content with resisting the claims of Dissenters, or with refusing to emancipate the Jews, or with traducing the Roman Catholics, were directing the most bitter complaints against some of the most pious and the most eminent members of their own Church. He had that day had a pamphlet sent to him, from which he learnt that a rev. gentleman of the name of Hobart Seymour, had been addressing the members of the Protestant Alliance in Bath, and while speaking of the Roman Catholic colleges in Ireland, he suggested that if they wanted tutors some of the tractarian party in this country could very well be spared them—

> "If they want a parish priest," said the rev. gentleman, "we can let them have Mr. Bennett, of Frome; if an archdeacon, we can give them Archdeacon Denison; if nothing less than a D.D. will content them, we can throw in Dr. Pusey, and if they go so high as a bishop, we can let them have Samuel of Oxford and Henry of Exeter."

But if he (Mr. Scholefield) were called upon to state whom the Church could best spare, he would choose such gentlemen as Mr. Seymour himself and his followers; and he would even—to use Mr. Seymour's words—"throw in" his hon. Friend the Member for North Warwickshire, rather than lose any one of even the least discreet of the eminent men who had been so slightingly referred to. But let the Dissenters beware how they joined that section of the Church of England. They might rely upon it that that section was not more true to its instincts of opposition to the Roman Catholic faith than to its instincts of opposition to the rights of conscience everywhere. The grant to Maynooth was an anomaly, and he was as much in favour of removing it as his hon. Friend the Member for North Warwickshire himself. But that was only a part of a most anomalous system; and if the grant were to be withdrawn he could see but one fair and honourable mode of accomplishing that object—namely, to sweep away every analogous endowment in the country. He was afraid that many of his hon. Friends around him who shared his opinions upon that point, and who had, on former occasions, voted with him, would vote with his hon. Friend the Member for North Warwickshire that evening, on the ground that they had already found that they could not get rid of all those grants at once, and that they believed, if they were to get rid of Maynooth, all the others would ultimately share the same fate. But how would they share the same fate? Could those Gentlemen imagine for a moment, that if his hon. Friend (Mr. Spooner) and his party were successful in that Motion they would afterwards join them in removing all other endowments? Could any one doubt that the opponents of the Maynooth grant would abandon their liberal allies on the occasion of the discussing the *Regium Donum*, or any other Protestant endowment? The smallest endowment—he meant the smallest in proportion to the number of the Roman Catholics—and the most necessary endowment—he meant the most necessary from the comparatively greater poverty of the Roman Catholics—would then be withdrawn; but the larger and the less needful endowments would be allowed to remain. He would be no party to such an injustice. He was prepared to vote for the removal of all endowments; but if that vote were not adopted, he should stand by Maynooth, not because he was in favour of Maynooth, for he was as much opposed to it as his hon. Friend himself, but because he would be no party to a line of conduct which he considered would be as unjust and ungenerous as it would be dangerous to the tranquillity and the welfare of the country. He would now beg leave to move the Amendment of which he had given notice. The hon. Gentleman concluded amidst much cheering by moving his Amendment.

Amendment proposed, to leave out from the word "considering," to the end of the Question, in order to add the words "all grants or endowments for ecclesiastical purposes, whether charged on the Consolidated Fund or annually voted by Parliament, with a view to their withdrawal, due regard being had to vested rights or interests," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. MURROUGH: Sir, the sin which most easily besets my hon. Friend the Member for North Warwickshire is, that propensity for dwelling on those features of the case which afford the least satisfaction to the observer, which in Den's *Theology* is designated as a species of morose delight.

But when I call to mind the nature of those morbid anticipations respecting the Report of the Maynooth Commission, in which the English public were taught to indulge, I cannot help rejoicing for the sake of our common Christianity, that both Southern and Pictish fanaticisms have found so little basis for their calumnies.

Loathsome and repugnant to human nature was the description of the studies of this Roman Catholic seminary, which, according to the Royal Commissioners, is the abode of youth of undoubted purity and unsuspected morality.

True, it is, that Calvinistic hostility may find in the evidence of Dr. O'Hanlon, and his confusion of spiritual and political duties, some ground for criticism. But, is Ireland the only country in the world in which political theology is known? And is the Roman Catholic the only religion in Ireland in which political theology is inculcated? Nor are Dr. O'Hanlon's opinions so dangerous as at the first blush you may be led to suppose. I am willing to admit, that in a country like England, where the law has not only been long powerful, but long respected, sacerdotal interference in political agitation would be intolerable; but in Ireland, with its anomalies of a Church of one creed, and a population of another, with inhabitants locally connected, but disunited by political aversions, the temporal influence of the priest is by no means an unmixed evil; possibly in some cases that influence may have been abused; but mental influence, even when abused, is far better than the exercise of that physical power which, were it not for the refuge of the priesthood, would be the only remedy of the Irish peasant voter under his numerous and untold oppressions.

Allusions, too, have been made to the nature of the works of St. Alphonso Liguori, and more especially of that which prepares the priest for the duties of the confessional. I acknowledge that its study is repulsive and uncongenial; but the opponents of this grant should have had the candour to admit that it is only placed in the hands of the priest a few days prior to his leaving the College, and the preparation for the mental, like that of the physical anatomy of the human heart, is necessarily to some extent loathsome.

But be the nature of the course of study pursued at Maynooth what it may, it is in conformity with the religion of the great majority of the people of Ireland, and Paley, whom I prefer as an authority to the hon. Member for North Warwickshire, lays it down as an incontrovertible axiom, that it is not the business of the State to decide whether a religion be pure or corrupt, true or false, but whether it is in conformity with the wishes of a majority of the people.

This principle has been reduced to practice in Scotland; had it been in Ireland, the conclusion to which we must arrive is manifest and irresistible.

Mr. Murrough

The hon. Gentleman has repudiated all knowledge of the author of that filthy and licentious publication from Glasgow, which has been so freely circulated among the Members of this House, and attempted to divest both himself and those societies with which he is connected from all responsibility on account of its issue. I tell him the onus is not so easily cast off. Wares of this kind would not be furnished were it not for the encouragement of that demand which the political efforts of the hon. Gentleman have tended so greatly to create.

Sir, there are some Members of this House who have thought fit to rest the title to the Maynooth grant on some contract, either express or implied, on the part of the English Government with the Irish people at the Union. When I consider how English contracts with Ireland have been usually fulfilled, I decline to place the Maynooth grant upon so weak and insecure a foundation; for although, when I observe the animosities to which it gives birth, I could wish it abolished, yet until that abolition is the voluntary act of the Irish people and proclaimed by the voice of their representatives, I will not be a party to pilfer this wretched pittance from the clergy of that people who were compelled to maintain an alien Church, the ruins of which, had Irish representatives been more faithful to their country and true to their creed, more observant of their constituents and less pliant to the Minister, would long since have been carted away. For my part, I look upon that Irish Catholic Member who cooperates with any Government which does not make the destruction of the Irish Church a Cabinet question, as little better than a traitor to his country and an apostate to his faith.

But there is a party in this House whose votes on this question I regard with more interest than those even of the representatives for Ireland—I mean the party led by the hon. Baronet the Member for Hertfordshire and the noble Lord the Member for King's Lynn. By the hon. Baronet and the noble Lord we have lately been informed that liberality of sentiment is no mere party attribute, but indigenous in our country and common to all; and I, who had fancied it banished from these walls, and knew it to be extinct among the Members of Her Majesty's Government, exulted at the announcement, and in their votes tonight I seek for the evidences of their sincerity. But if not in your justice, in your self-interest be my confidence. This is a Catholic question. With those of three Catholic nations, France, Austria, and Sardinia, your interests are now indissolubly bound. The allegiance of Catholic Ireland by Calvinistic Scotland is still unsuspected. At Alma, Balaklava, and Inkerman, Catholic and Protestant fought side by side, their blood flowed in an undivided stream, their bones have bleached unseparated beneath the snows of a Crimean winter, the same sun rises and sets on their undistinguishable ashes. Ireland is now a bulwark of your strength; pause, ere you convert her into a source of weakness. Your triumphs have already been clouded with disasters and by the follies of a Government, than any disaster far more humiliating; I therefore entreat you in the name of our common country not to add to the perils which without environ us the more fearful calamity of domestic alienation.

MR. A. SMITH said, he thought the number of petitions presented in favour of inquiry into Maynooth showed the strength of public feeling, and justified the Motion of the hon. Gentleman (Mr. Spooner). The Roman Catholics were no doubt a large class of our fellow-countrymen, and every one would feel desirous of conceding a little to them, but why, he would ask, should Maynooth receive 26,000*l.* a-year of public money, while Oxford and Cambridge only received about 2,000*l.* a-year? Was the Roman Catholic Church so poor that it could not afford to educate its own priests? No one who looked at the splendid churches and institutions of the Roman Catholics in every part of the world could doubt that they had ample means at their disposal for supplying their Church with priests. The Report of the Maynooth Commissioners showed that half the Irish Roman Catholic clergy were educated at Maynooth, and it was important to inquire whether the Act of 1845 had answered the objects of its authors? That Act was designed to be a measure of conciliation; but how had it been received by the Roman Catholic Church? Why, it was well known that the Papal aggression, as it was termed, had occurred since the passing of that Act. Again, had the Roman Catholic clergy in Ireland shown a spirit of increased moderation since this boon was granted to them? Experience proved the reverse of this. It had been asserted that every student who entered Maynooth College was furnished with a Bible; but what was the evidence of the Rev. Mr. O'Callaghan before the Commissioners on that point? That witness stated that he was not aware of the existence of any such rule; that when he entered the College he was not furnished with a Bible; and that he could not obtain one in the establishment to be sworn on when about to take the oath of allegiance. Mr. O'Callaghan also stated that a hatred of England and of Protestantism was the strongest and most predominant feeling among the students at Maynooth while he was there. Now, was this feeling encouraged by the education given or by the example set by the superiors of the college? In 1836, a feast took place at Maynooth to celebrate the visit of the Lord Lieutenant (the Marquess of Normanby). The professors of the college were present, as well as the students, and one would think that the Queen's health would have been proposed on such an occasion; but, no! Mr. O'Connell's health, however, was drunk, and Mr. Whitehead, the professor of logic, spoke to the toast, and made a most violent political speech. Dr. Montague, then the head of the college, was present, as was also Dr. Renehan, the vice-president, the latter of whom (perhaps because he had not the gift of oratory) favoured the company with a song. Was this a fitting way in which to conduct the education of the students? He should conclude by expressing a hope that the House would have a regard to the Protestant feeling of the country on this question—a feeling on which the security of our Protestant institutions and our civil liberty mainly depended.

MR. BLAND said, that this certainly was not a propitious time to designate as idolatry the faith of those nations with whom we were in active alliance. He disapproved of the manner in which the evidence had been quoted and commented upon by the hon. Member for North Warwickshire (Mr. Spooner), with less candour than might have been expected from a religious man speaking in that House. The Amendment of the hon. Member for Birmingham (Mr. Scholefield) did not, however, go far enough in the principle of religious equality, for it only related to endowments granted by Parliament; if it had extended its operation to the Church of England he should have concurred in it, but as it was he should vote against both the Amendment as well as the original Motion. He considered that the hon. Member for North Warwickshire had dealt unfairly with the evidence, which he had so jumbled up with the Report that it was impossible to distinguish which quotation was from the Report and which from the evidence. In dealing with this evidence they were bound to consider the verdict of an enlightened jury upon it—the Report of the Commissioners. These Gentlemen had been fully competent to carry out the charge intrusted to them. There could be no doubt as to their talents and veracity, and they had, without a dissentient voice, found that the evidence given was satisfactory, and, instead of condemning the system of teaching at Maynooth, stated that it was highly creditable to the professors and to the mode in which education was conducted at the college. A great deal had been said as to the influence of Roman Catholic clergy at elections. He might remark, though it was not very pertinent to the present occasion, that he was desirous that voters should be protected from all undue influence by means of the ballot; but was this undue influence at elections confined to the Roman Catholic clergy? The hon. Members for Dublin and Liverpool possibly might know something of the influence of certain Protestant clergymen at elections. He should be glad if his Roman Catholic brethren were in such a position as to be able to do without this grant, because, if they gave it up, they would have a stronger case against the Established Church; but as their Church was not rich enough to dispense with this endowment, he would support the continuance of it. He must complain of the publication which had been sent round to all the Members of the House, and which was so disgusting that he was sorry to have heard the hon. Gentleman mention it. Even if it were a true extract, it only showed the corruption of the times in which the book alluded to was written. That book was not a class book in the college, although it might be in the library there. But what if every gentleman should be held responsible for the immoral or improper sentiments of every book in his own library? Only last night a book was referred to, the *Whole Duty of Man*, which the right hon. Member for Buckinghamshire (Mr. Disraeli) said every gentleman ought to have read. It occurred to him (Mr. Bland) that there were many sentences in that book which would not suit the present age; and he had asked for the book, but it was not in the library of that House. Again, Luther's Sermon on Matrimony was not fit to be put into the hands of youth, but it could not be called immoral. As for the political influence of the Roman Catholic Church, it was natural that, remembering the time when the forty-shilling voters of Ireland were driven like sheep to the poll, to vote against their consciences, there should be a reaction now, and that they should follow the counsel of the men who attended them with religious consolations in sickness and in death. He should merely ask the House to pause before they even by possibility shocked the feeling of good fellowship that was now beginning to grow up in Ireland by withdrawing this paltry grant, if it were in other respects generally politic. They should consider that they were at war with a foreign State, and they should pause before they produced the slightest degree of discontent in Ireland.

Mr. HORSFALL said, he was always unwilling to trespass on the attention of the House, but he was especially so when he knew that the feelings of many hon. Members were strongly opposed to the view he took upon this subject. He begged to assure those hon. Members, that he desired to say nothing personal or offensive to them in the course of his observations. He would not follow his hon. Friend the Member for North Warwickshire through the evidence which he had so ably brought before the House, because, in his opinion, this was not a question as to what evidence had been given or withheld at Maynooth; the question was, whether the teaching of the Church of Rome, paid for by this country, was or was not beneficial to the people of Ireland, and it must be decided by a consideration of the moral results of that teaching. He wished, however, to call the attention of the Government to the specific charge made by his hon. Friend in bringing forward this Motion, that the evidence laid on the table was a fraud, and not the *bonâ fide* evidence which had been taken before the Commissioners. It was the duty of the Government to have that charge either proved or disproved, for he would not for a moment suppose that any Member of Her Majesty's Government would be a party to any transaction such as that described by his hon. Friend. The hon. Member for Birmingham (Mr. Scholefield) had accused a clergyman of the Church of England of want of charity, but he thought that the hon. Gentleman had better have grappled with the facts which Mr. Hobart Seymour had stated, than have dwelt upon some playful words which had occurred in his speech. The object of that speech was to show that Maynooth was unnecessary, and that, even were it necessary, it was kept up on a more extensive scale than was demanded by the requirements of Ireland. Mr. Hobart Seymour argued that it was unnecessary, because the Roman Catholic clergy might be educated with the Roman Catholic laity at Trinity College, Dublin; and he followed up that argument by proving that 296 priests were regularly educated at Maynooth beyond the number required for Ireland, and were therefore distributed through England, Scotland, and other parts of the world. It appeared from the evidence, that 2,260 priests were the estimated requirement of Ireland. And, according to the annual estimate of deaths, it had been calculated that there would be fifty-six annual deaths to supply. Thus making allowance for the representations which had been made, that it took four years to educate a priest, that would make the endowment necessary for 224 priests, and not for 520, for which the grant was now made. So that there were, as he had stated, 296 priests constantly being educated above the requirements of Ireland. He had the highest authority for the assertion that the teaching of the Church of Rome was not beneficial to the people of Ireland. He would first refer the House to the opinions expressed by Mr. Macaulay in his *History of England*, in speaking of the influence of the Church of Rome—

> "From the time when the barbarians overran the Western Empire to the time of the revival of letters, the influence of the Church of Rome had been generally favourable to science, to civilisation, and to good government. But during the last three centuries to stunt the growth of the human mind has been her chief object. Throughout Christendom, whatever advance has been made in knowledge, in freedom, in wealth, and in the arts of life has been made in spite of her, and has everywhere been in inverse proportion to her power. The loveliest and most fertile provinces of Europe have, under her rule, been sunk in poverty, in political servitude, and in intellectual torpor, while Protestant countries, once proverbial for sterility and barbarism, have been turned by skill and industry into gardens, and can boast of a long list of heroes and statesmen, philosophers and poets. Whoever, knowing what Italy and Scotland naturally are, and what, 400 years ago, they actually were, shall now compare the country round Rome with the country round Edinburgh, will be able to form some judgment as to the tendency of Papal domination. The descent of Spain, once the first among monarchies, to the lowest depths of degradation; the elevation of Holland, in spite of many natural disadvantages, to a position such as no commonwealth so small has ever reached, teach the same lesson. Whoever passes, in Germany, from a Roman Catholic to a Protestant principality; in Switzerland, from a Roman Catholic to a Protestant canton; in Ireland, from a Roman Catholic to a Protestant county; finds that he has passed from a lower to a higher grade of civilisation. On the other side of the Atlantic the same law prevails. The Protestants of the United States have left far behind them the Roman Catholics of Mexico, Peru, and Brazil. The Roman Catholics of Lower Canada remain inert, while the whole continent round them is in a ferment with Protestant activity and enterprise. The French have, doubtless, shown an energy and an intelligence which, even when misdirected, have justly entitled them to be called a great people. But this apparent exception, when examined, will be found to confirm the rule; for in no country that is called Roman Catholic, has the Roman Catholic Church, during several generations, possessed so little authority as in France."

He would next read a short extract upon the same subject from a work which had been recently published by Lord Carlisle, the present Lord Lieutenant of Ireland—

> "The scenery along the Elbe continues to be pretty, but the transition from Saxony to Bohemia, with regard to the aspect of the people, of their dwellings, and of their agriculture, rather resembles the change from English to Irish landscape; not that Saxony is so well dressed as England, or Bohemia so ill dressed as Ireland. How are we to distribute the causes of this difference? What to Government? What to creed? I think I may take credit to myself for wishing to look at all things with an unbigoted eye, but then it seems to me that as soon as you come to the crucifix on the high knolls and in the little grove, often most picturesque in effect, the appearance of comfort and wellbeing among the people is on the wane."

But he would not rest his argument upon opinions only. What were the facts proved by parliamentary returns and official documents with regard to the state of crime in other countries as compared with England? He would contrast the number of committals for murder in Roman Catholic countries with that in Protestant England. It appeared from official documents that the average annual number of committals for murder in Roman Catholic Ireland had been for some years nineteen to the million; in Belgium, eighteen; in France, thirty-one; in Austria, thirty-six; in Bavaria, sixty-eight; in Sardinia, twenty; in Lombardy, forty-five; in Tuscany, fifty-six; in the Papal States, 113; in Roman Catholic Sicily, ninety; in Naples, 174; and in Protestant England, four to the million. Here was evidence of the different result attending the teaching of Protestant England and of those countries which were subject to the Church of Rome; and it was upon this that he grounded his argument that they were not justified in voting money year after year which, as Protestants and men of sense, they must see was not expended in a way beneficial to the people. It had been held that we were bound by some compact which was entered into at the time of the Union. Now, he would yield to none in his desire to fulfil any compact, contract, or agreement. But he would deny that there was any compact entered into at the time of the Union by which we were bound to maintain any such grant, and he called upon those who declared that any such agreement or contract was entered into to produce it. In the Act of Union was the following clause—

> "That a sum not less than the sum which has been granted by the Parliament of Ireland, on the average of six years immediately preceding the 1st of January, in the year 1800, in premiums for the internal encouragement of manufactures, or for the maintaining of institutions for pious and charitable purposes, shall be applied, for the period of twenty years after the Union, to such local purposes in Ireland, in such manner as the Parliament of the United Kingdom shall direct.'

For twenty years after the 1st January, 1800; and he need not tell the House that the compact which had thus existed had expired more than thirty years ago. This was the only semblance of a compact under which the present grant had been made; and he denied that this country could in any way be considered as bound for the future to make such a grant. Having already referred to the opinion of two eminent and liberal statesmen, he ventured now to quote the opinion of his right hon. Friend the member for the University of Oxford (Mr. Gladstone), not, he could assure him, for the purpose of taunting him with a change of opinion, for he did not believe that as a question of principle the right hon. Gentleman had changed his opinion at all, even if, unfortunately, he had lent his great talents and the weight of his moral worth to aid the cause of legislation upon expediency instead of upon principle. In that valuable work of his, *The Church in its Relations to the State*, the right hon. Gentleman made a remark which he never had and never could answer, and with which he (Mr. Horsfall) would now conclude his observations—namely, that "the grant to Maynooth is wholly vicious in principle, and will be a thorn in the side of the people of this country as long as it is continued."

Mr. HORSMAN said, he hoped he might be permitted to say, without any

disrespect to the hon. Member who had just sat down, that he did not think the speech of the hon. Gentleman had any direct bearing upon the question immediately before the House. They were certainly not met there to discuss the tenets or the bearings of the Roman Catholic religion. The hon. Member had contrasted the state of crime in Catholic, with that in Protestant countries, but he had put out of sight the Government, the constitution, the police of other countries, and had, as he thought, from the facts adduced by him, come to an unfair conclusion against Catholicism. He (Mr. Horsman) did not look upon this as a religious question at all; it was a political question only. It was not as if Parliament had now to consider whether they would have the Roman Catholic religion professed by a great body of the Queen's subjects, for this was a matter upon which they had no choice. The question was, whether or not one-third of the subjects of the Queen being of that religion, the policy pursued sixty years ago on this subject by a far-seeing Minister was wise and beneficial; and whether he was right in determining upon affording an education to the priests of Ireland, who must have great influence over the people of that country, whether you wished it or not, which would make that influence friendly to this country, instead of operating in every respect disadvantageously. He would not, therefore, follow the hon. Member for North Warwickshire (Mr. Spooner) into the theological questions raised by him with reference to the confessional, the law of marriage, or other peculiar tenets of the Roman Catholic Church, feeling as a Protestant that he was far better employed in studying his own religion, instead of wounding the feelings of other people by depreciating and condemning theirs. He felt this to be a much larger question than was comprised in the mere vote of so many thousand pounds a year for the purpose of educating the priests of Ireland. It was a question whether or not they should reverse that system of policy which, during the last twenty-five years, had been adopted towards our fellow-subjects in that country; and this measure was only one link in a chain of policy, which, he believed, had been alike beneficial to Ireland and honourable to England. He had certainly listened with some curiosity to know how the hon. Member for North Warwickshire could reconcile the statements he had made, and the Motion he had now submitted to the House, with the Report of the Commission of which the hon. Gentleman might be said to be the parent. Remembering that the question was now for the first time before the House, as it were, in an official form—remembering that year after year the hon. Gentleman had told the House that if they would agree to inquiry—if they would only grant him a Commission—he would prove all he had asserted, he could not consider this a question of feeling so much as a question of fact; and what they had to consider now was, not the general statements in which the hon. Member had again indulged, but the evidence and the Report of this Commission, which the hon. Gentleman at present thought it convenient entirely to ignore. In the first place, he would remind the House what really was the origin of the Maynooth establishment which they were then discussing. The hon. Member for North Warwickshire stated that the endowment was a voluntary one on the part of the English Government, that they gained no advantage by it, and that it was in every respect a voluntary act on their part, and a boon conferred upon the Catholics. Now, without hazarding opinions or indulging in assertions, he (Mr. Horsman) referred to authentic documents, and drew from them a different conclusion. The establishment of the College of Maynooth took place at a time of almost unexampled peril to this country. It was at a time when the Government of England was seriously alarmed by the discontent of the Irish nation, and the embarrassment which this might cause them. It was at a time when we were engaged in a war with France, which was then most disastrous to us, and when we had formed alliances which at that period were falling from us. The French revolution had recently taken place, and the whole of Europe was engaged in a war, the consequence of that revolution. England at that period had suffered reverses which filled the Government with great alarm. The year 1795 commenced, and at the meeting of Parliament there was a description given by the Lord Lansdowne of that day of the results of the last campaign, as stated by the French—

> "Twenty-three sieges successfully conducted by them; six pitched battles decisively won; 2,803 cannon taken; 60,000 of the best troops of Europe compelled to surrender prisoners of war, either by capitulation or in the field; 144 towns and cities captured—among them many of the strongest fortresses in Europe."—[*Parl. History*, vol. xxxi. p. 975.

That was the state of the war; and, with regard to our alliances, Russia had fallen from us and had concluded a treaty with France. Spain and Holland had also quitted us, and we were in a condition of embarrassment and danger. The Catholics of Ireland availed themselves of the opportunity to petition for the redress of all their grievances, and the Government of England made concessions which, large as they were, were repudiated by the Irish people. Lord Fitzwilliam was then sent over as Lord Lieutenant, but was shortly afterwards recalled; and in an account given by the historian of that day of the temper of the Irish people with regard to the Maynooth establishment and the recall of Lord Fitzwilliam it was stated—

> "The resentment of the public was particularly marked on the 25th of March, when Lord Fitzwilliam took his departure from Ireland. It was a day of general gloom; the shops were shut, no business of any kind was transacted, and the whole city put on mourning. His coach was drawn to the waterside by some of the most respectable citizens, and the people seemed intent on every demonstration of grief."

He had now shown the House what was the temper of Ireland and the condition of England in the year in which the establishment of the college of Maynooth was agreed to. The Minister who proposed the endowment was the Tory Minister, William Pitt; and the Parliament which sanctioned it was a Parliament composed exclusively of Protestants, in which the prelates of the Irish Church had seats. At the time the Act was agreed to, religious feeling was much stronger than any feeling in these days, but the establishment of the College of Maynooth was carried through the Parliament without a single dissentient voice, and the measure was assented to by George the Third, the most anti-Catholic monarch that ever sat on the English throne. It must, however, be borne in mind that the measure was not agreed to under a feeling of temporary apprehension, but that it had a far deeper motive and a more long-sighted policy. That which created apprehension in the minds of the English Ministers was the influence which the Irish priest exercised over his flock, and which he exercised according to opinions derived, and on education received, in a foreign country, where he had learnt to imbibe foreign principles hostile both to the religion and constitution of England. It was consequently a matter of policy to withdraw the Irish priest as much as possible from continental associations and principles, and to establish him as much as possible in his own country with kindly feelings towards those among whom he was to live. He must here acknowledge to the hon. member for North Warwickshire that he had a feeling of considerable difficulty in dealing with this question. On the one hand, he felt that great injustice would be done to the Catholics of Ireland if the grant were withdrawn from Maynooth; but, on the other hand, he admitted that a deep feeling of earnestness had gained possession of the minds of a large portion of the people of England which was entitled to the most sincere respect. But, though he felt great difficulty in approaching the discussion of the question, he would, with the permission of the House, quote evidence which must be admitted to be perfectly unimpeachable. At the time of the Union in 1800, few men occupied a more prominent position in consulting with and advising Mr. Pitt, with regard to questions affecting the Roman Catholics, than the then Bishop of Meath, a right reverend prelate who had himself been a Roman Catholic, but who had become a convert to the Protestant faith. The correspondence of the Bishop of Meath with Mr. Pitt had since been published, and it exhibited the prominent part taken by the Bishop in the establishment of the College of Maynooth. In a letter written to Mr. Pitt, in the month of May, at the time of the Union, the Bishop of Meath said—

> "The great intention of the institution is to give the Roman Catholic clergy a home education, and prevent them being brought up under that system that was originally framed in foreign seminaries, for the purpose of supplying a succession of men who are so necessarily connected with the great body of the people to reside in the very heart of the country, prejudiced against its constitution, leagued against its Government, and intimately connected with its enemies, and to take care that no civil prejudices at least should be engrafted on their religious opinions. It is, therefore, evident that, to secure the objects of the institution, every means should be taken to prevent the Romish clergy of the kingdom from resorting to foreign seminaries for their professional education."

There would be no difficulty in quoting document upon document to show that the education of the Irish priesthood was an important consideration with Government and the leading men of the country at the time Maynooth was endowed, and that the establishment of Maynooth, instead of being, as represented by the hon. Gentleman opposite (Mr. Spooner), a mere boon to the Irish people, without the Government having received anything in return for it, was a matter of State policy, called for by the dangers and exigencies of the times. The endowment of Maynooth took place in the year 1795, and five years later the Union took place. All that had been previously done in respect to Maynooth was ratified by the Union; and in the Act of 1800 it was distinctly specified that one object of the Union was "the establishing, supporting, and endowing of the College of Maynooth." The hon. Gentleman who had just sat down (Mr. Horsfall), and also the hon. Member for North Warwickshire, had referred to an argument often used in that House, that the establishment of Maynooth was no matter of distinct contract with the Irish nation. He (Mr. Horsman) had no wish to stand solely upon the question whether there had been a distinct contract or not, because he thought he could show the House on much stronger grounds that there was an obligation to continue the establishment of Maynooth. He had been somewhat surprised at the sort of evidence brought forward by the hon. Member for North Warwickshire to show that there had not been a contract. The hon. Gentleman quoted a speech of Sir Robert Peel in 1845, applicable only to the Bill of 1845, in which Sir Robert Peel stated that the measure he then proposed had been brought forward upon no understanding with the Irish priesthood or hierarchy, upon no contract in any sense of the word, but as a mere question of policy. Now it had never been said that the contract originated with Sir Robert Peel and commenced in 1845, but it was contended that the original contract was made in 1795 and was confirmed in 1800, at the time of the Union. To show the opinion entertained of the endowment of Maynooth when it was first granted, he would quote the opinion of Mr. Perceval. No prominent public man had taken a greater part against the Catholics of Ireland than Mr. Perceval, and no one had spoken more frequently or more strongly against this very endowment of Maynooth, and yet, though all his feelings, all his prejudices were against the grant, and though all his antecedents pledged him to oppose and repeal it, this was the apology he made for not assenting to that course—

> "As the Irish Parliament thought such a measure of policy advisable, he was still willing to retain the principle of meeting that determination; indeed, the united Legislature were bound by the principles of good faith to continue the grant."

In 1812, four years afterwards, the question was again brought before the House of Commons, and Mr. Perceval, who was still a Minister of the Crown, expressed himself in these words—

> "He supported the grant as it stood, because it was one of those which the Parliament of Ireland thought wise to preserve at the Union, because he found it, in fact, given over to England as a part of the Union. If the grant had been fairly open to opposition after the Union, he certainly should have been disposed to resist it."

The grant was continued from that time until 1845, when the question was again brought before Parliament by the late Sir Robert Peel, who took what he (Mr. Horsman) considered a wise and just view of the subject. Sir Robert Peel said, that if Parliament pledged themselves to establish an institution for the education of the priesthood of Ireland they ought not to keep that word of promise merely to the letter, but to carry it out in spirit; and if they gave such an institution it ought to be adequate to the purpose for which it was established. It had been shown that the establishment of Maynooth was very inadequate, that the students were in a state of great misery, and that the professors were very ill paid. Sir Robert Peel therefore said, with great justice—"Either do away with the institution altogether, or make it effective for the purposes for which it was established." On that occasion the House of Commons assented to the views of Sir Robert Peel; the Bill which was introduced was passed in that House; and it was confided in the House of Lords to the guardianship of a noble and eminent colleague of Sir Robert Peel, the present Earl of Derby, then Lord Stanley, who, in urging their Lordships to adopt the measure, delivered a most eloquent, powerful, and convincing speech, with some extracts from which he (Mr. Horsman) would venture to trouble the House. Lord Stanley said—

> "They had now to deal with a case in which the population were Roman Catholics, and would be Roman Catholics; and they had to consider whether they should be instructed Roman Catholics or ignorant Roman Catholics; whether they would have those Roman Catholics educated by priests well instructed and well affected to the Government which took them by the hand, or not. Let them look at it in either way, and he would say that, as Christians as well as politicians, they were obliged to consider it, and in that light he looked on it as wise, and just, and prudent, to give their Roman Catholic fellow-subjects the best religious education they could afford them, according to the forms of worship which they observed, and which their creed would permit them to receive at the hands of the Government or the Legislature. . . . . . The decision rested with their Lordships. He could not place too highly before them the responsibility that would be incurred by a rejection of this measure—a responsibility far greater than if that measure had never been introduced. But he had no such fear—he knew their Lordships would look to this question as statesmen, as Christians, and as men desirous of securing by the firmest hold the union, not the Legislative union, but the real and substantial union between all classes of the people of this empire, divided as they might be in religious faith. And while he could not express the alarm and dismay which the rejection of this measure would occasion in his mind, he had too high a sense of the wisdom, justice, and patriotism of the illustrious assemblage which he addressed, to dread that they would involve the country in the fearful consequences which he apprehended."—[3 *Hansard*, lxxxi. 111, 115–16.]

Now, he (Mr. Horsman) did not ask whether this was a contract legally binding upon the two parties, and he would not even ask the hon. Member for North Warwickshire whether, if the Union had never taken place, he thought the Irish Parliament would have repealed the enactment. He (Mr. Horsman) would rather depend upon material facts than upon technical distinctions, and he would ask the House to consider whether, after the grant had continued for sixty years, they were prepared to abandon it upon the grounds urged by the hon. Member for north Warwickshire? He called upon the House to remember that the grant was made at a time of great national difficulty and danger; and he asked them to recollect who were the Ministers by whom it was proposed, the Monarch by whom it was sanctioned, the Legislature by which it was adopted, and the successive Administrations by which it had been supported. He asked hon. Gentlemen to remember that no leading man, on either side of the House, who had been entrusted with the conduct of public affairs, had supported the withdrawal of this grant, and he called upon them to consider the consequences that might result from withdrawing the grant upon the ground that the religion of those to whose use it was appropriated was erroneous. After Parliament had sanctioned this grant, the hon. Member for North Warwickshire, feeling that at that time it was impossible successfully to propose its repeal, asked Parliament to institute an inquiry into the state of Maynooth College, and undertake to show that the teaching at Maynooth differed from that which was originally established, that its tendency was immoral, and that the establishment was a national pest. Well, an inquiry took place; the evidence which had been given was before the House; and he (Mr. Horsman) thought it was most important that the Catholics who had been assailed, and the Protestants who had been alarmed, should know whether or not the statements which had been made by the hon. Member for North Warwickshire had been borne out by the investigation of that Commission. He had been struck with the fact, that throughout the speech of the hon. Member for North Warwickshire he had not made a single allusion to the Report of the Commissioners, and in only two instances had he referred to the evidence. The hon. Gentleman (Mr. Spooner) had told them that the preparation of the speech he had made to-night had cost him laborious days and sleepless nights, and that he had felt obliged to obtain the assistance of gentlemen of eminent ability. Considering how much the hon. Gentleman had promised and how little he had performed, he (Mr. Horsman) sympathised with him both in his difficulties and in his disappointment. The hon. Gentleman had assuredly had his opportunity, and it appeared to him (Mr. Horsman) that those whom the hon. Member assailed had as assuredly had their revenge. He had felt some surprise that the hon. Gentleman the Member for North Warwickshire, with the enormous mass of evidence which he had before him, had spoken for two hours and ten minutes before he had in any way referred to it. He had listened to his speech with great attention, and had thought at every moment, now comes the plunge, but two hours and ten minutes actually elapsed before it was really made; and when the hon. Gentleman did refer to the evidence—and in doing so he was very feeling and pathetic—he only touched upon two cases. The hon. Gentleman, in the first instance, complained that in a Return laid before Parliament the Roman Catholic Archbishop of Armagh was designated by his Ecclesiastical title; but how could that be construed into a charge against the College of Maynooth? He then appealed to my right hon. and learned Friend the Attorney General for Ireland, and said, that if he would not admit that that assumption of title was a transgression of the law, he was unfit to continue in the office which he held. Now, his recollection of the Ecclesiastical Titles Bill led him to a conclusion different to that arrived at by the hon. Gentleman. According to his idea of that Act, the Archbishop of Armagh would come within the scope of it if he himself assumed an ecclesiastical title, but not because another person chose to invest him with one, and he could not therefore think that his right hon. and learned Friend the Attorney General for Ireland was unfit for his position if he did not admit that because he was so designated the Archbishop of Armagh was guilty of a transgression of the law. The next charge made by the hon. Gentleman was, that a great portion of the evidence of Mr. Matthew Flannagan was suppressed, and that advantage had been taken of the permission usually accorded to a witness by a Committee of that House to revise his evidence, of effecting that object. What was the authority of the hon. Gentleman for that charge? An anonymous witness. The hon. Gentleman founded that charge upon an anonymous letter, written by a person whom he did not know, but whose respectability would, he said, be vouched for by two very respectable gentlemen, who also did not wish their names to be made known, but who would have no objection to appear before a Committee of the House of Lords. It appeared then, that the hon. Gentleman on the authority of an anonymous writer, whose respectability was vouched for by two gentlemen who were also, as regarded the House, equally anonymous, made a charge that the indulgence usually accorded by a Committee to a witness of revising his evidence had been abused. Now what was the extent of the abuse of that privilege? The hon. Gentlemen said, that the answers of Mr. Flannagan to seven questions had been compressed into one answer by the secretary, and the hon. Gentleman had read those seven answers. Now, he had read the one answer, and he had been unable to see that it differed in any material respect from the seven answers read by the hon. Gentleman. The hon. Gentleman had said, that the evidence of Mr. Flannagan had been condensed, in order to perpetuate a job, but, in his opinion, it would be of great advantage, if not only the evidence on this subject were condensed, but also the speeches. But, be that as it might, he could not see that either the case of the Archbishop of Armagh or of Mr. Flannagan could in any way be brought forward as charges against the grant to Maynooth College. The hon. Gentleman then quoted two passages from the evidence, and, as it was likely to give rise to delusion if from a mass of evidence extracts were taken, he would only refer to the witnesses which had been adduced by the hon. Gentleman, and he hoped to be able to show that those very witnesses had made statements adverse to the conclusion at which he had arrived. The hon. Gentleman had referred to an answer given by Mr. O'Hanlon as a proof of the recognition by the Roman Catholics of the temporal power of the Pope, but the hon. Gentleman had entirely lost sight of the answer given by the same witness to the previous question. The question was put—

> "What is the doctrine taught in the Maynooth College on the subject of the authority of the Pope or the Church in matters of a civil or temporal nature?"

The answer was—

> "We teach in Maynooth, that the Pope has no temporal power whatever, direct or indirect. We have affirmed that doctrine upon our solemn oaths, and we firmly maintain it in the College of Maynooth. We hold the same doctrine in regard to the Church."

He should not have quoted from the evidence of Mr. O'Hanlon, had not the hon. Gentleman done so; but he (Mr. Horsman) thought, that when the hon. Gentleman quoted a long answer of Mr. O'Hanlon, in order to prove that the doctrine of the temporal power of the Pope was inculcated at Maynooth, he was justified in quoting a short answer in which that doctrine was most clearly and distinctly denied. He must confess that he had been rather surprised at the next question referred to by the hon. Gentleman which had been put to and answered by the Rev. Mr. O'Hanlon. The question was put—

> "Would it be considered as a matter of course that any book put in the Index was not to be used in any Roman Catholic College?"

The answer was:—

> "The Index is not received, and therefore imposes no obligation in this country. Dr. Murray, the late Archbishop of Dublin, Dr. Doyle, and, as well as I can can recollect, Dr. Curtis the Archbishop of Armagh, and Dr. Kelly, Archbishop of Tuam, declared, upon their oaths, in the House of Lords, in the year 1825, that neither the 'Bulla Cœnæ,' nor the Index, was received in Ireland, and I am sure they have not been received since that period. The Index, therefore, induces no obligation upon us; but, as clergymen belonging to an ecclesiastical institution, we feel ourselves constrained to defer to the expressed wishes of the Pope."

And from that answer the hon. Gentleman jumped to the conclusion that, because the College of Maynooth allowed the Pope to have a voice as to the books which were to be used in the college, the teachers of that college admitted his temporal power and his right to absolve British subjects from their allegiance to the Queen. The hon. Member for North Warwickshire was followed by the hon. and learned Member for Greenock (Mr. Dunlop), who seconded his Motion, though he hardly thought the hon. Gentleman (Mr. Spooner), could have derived much comfort from the way in which that was done. The hon. and learned Member for Greenock supported the repeal of the grant to Maynooth because he wanted to destroy the Established Church. The hon. Member for North Warwickshire said the Roman Catholics would destroy the Church unless we repealed this grant, while the hon. and learned Member for Greenock said, Maynooth was one of the strongest buttresses of the Established Church, and he wanted to destroy the buttress in order that he might the easier bring down the Church. The hon. Member for North Warwickshire appealed to the Dissenters, who, he said, would be placed under the supremacy of the Roman Catholics if this grant was not repealed, and called upon them to support the Established Church, under which so many privileges were enjoyed. The hon. and learned Member for Greenock, on the other hand, said they ought to join the Catholics of Ireland and assist them in bringing down the Established Church. Such was the congruity of sentiment that existed between the mover and the seconder of this motion. But the hon. and learned Member for Greenock also appealed to the evidence, though with great caution, and he likewise did not venture to say one word with respect to the Report. The hon. and learned Gentleman alluded to the opinions of the Rev. Mr. O'Hanlon as to the interference of priests in election matters; but he forgot that Mr. O'Hanlon had distinctly stated that he never taught any doctrine on the subject, his opinions being mere abstract opinions, without any authority whatever. He was asked—

> "Do you teach the doctrine at Maynooth to prevent the priest acting in such a manner as to make it dubious whether he is acting in his ecclesiastical function or in his temporal or civil function?—So far as I am concerned, I have never taught any doctrine in Maynooth on the subject;

I have never discussed the question, or touched upon it at all. I can have, however, no hesitation in stating that, in my opinion, the priest in his ecclesiastical capacity, should confine himself to the explanation and inculcation of the duties of the electors. If the electors require information or instruction, as they do frequently in many parts of Ireland, I think the priest, as such, is not only justified, but bound to teach and explain their duties."

This was a conclusion very different from that which the hon. and learned Member for Greenock wished to draw from the opinion of the witness. Another witness whom he quoted was the Rev. Dr. Moriarty, to show that the Pope had great power in electoral matters. Now he found that Dr. Moriarty was asked this question :—

> "Supposing the Pope were to issue a bull, declaring that circumstances had now arisen in this country which released the people from the duty of allegiance, would that justify a subject in rebelling ?—My answer is, that a Catholic should deem the case impossible, for he could not suppose the Pope capable of such an absurdity."

Then he was asked—

> "But suppose it did occur ?—If you suppose the decree given in the present circumstances of the country it would be of no force, as being manifestly founded in error ; but I again protest against the supposition as disrespectful to the Holy See.
>
> "It would remain the duty of a subject to abide by his allegiance ?—Certainly.
>
> "Suppose the Pope were to declare that, in consequence of the establishment of the Queen's Colleges, and in consequence of the passing of the Ecclesiastical Titles Bill, the time had arrived, and circumstances had arisen, under which the Irish Roman Catholics were at liberty to rebel, would that in any measure terminate the duty of or in any manner affect its obligation ?—I must again answer by protesting against the supposition. Such are not the circumstances which to a Catholic mind would justify rebellion. If the case occurred, I would simply conclude that the Pope had gone mad."

This was the witness who was quoted to support the opinions of the hon. and learned Member for Greenock. So much then for the evidence, and so much for the Report of the Commissioners, in so far as they had been adverted to by the two hon. Members to whom he had referred. The hon. Member for North Warwickshire having called for inquiry was not disposed to abide by its results; and the question was whether he himself having professed so much—whether when what he had stated most strongly he had stated most erroneously, and when he charged most fiercely he had charged most unjustly—he was now entitled to ask the House to come to a conclusion directly at variance with the Report of the Commissioners? The hon. Gentleman said he cared nothing for the inquiry—he cared nothing for the Report; he objected to the endowment of Popery as the endowment of error, and upon that ground distinctly and solely he asked the House to discontinue this grant. But this was to raise the whole question of the policy of this country since 1795, and the question came to be whether this was an isolated instance in which we made payments for the benefit of the Catholic and other religions? He held in his hand a list of the Parliamentary grants that were made to other religions than the religion established by law—payments made not only to Catholics and Dissenters, but to denominations that were not Christians at all. We made large payments to English Catholic schools; to Catholic chaplains employed by the Admiralty for the benefit of Catholic seamen — to Catholic chaplains employed by the Horse Guards, and for the military; for our colonial fellow-subjects; for prisons in Ireland, lunatic asylums, poorhouses, and county prisons. He found, also, payment given to schools for teaching the children of Jews. The principle on which these grants for education were given was, that the money was not the money of Protestants only, but contributed by all the subjects of the realm; and they were given on the ground that the education of the children was a national concern, that they were receiving a moral and religious education which was conducive to the improvement and advantage of the State. In 1829 they passed the Emancipation Act; in 1831 they sanctioned another enactment which added immensely to the power of Roman Catholics in Ireland; in 1844, Roman Catholics were appointed members of boards for superintending charitable trusts; and in 1845 they sanctioned the measure of Sir Robert Peel with respect to Maynooth. Were not these successive measures a tacit recognition that Roman Catholics had obtained their political rights, not by underhand intrigue or violence, but by the constitutional voice of their representatives in Parliament. They had compelled them to grant those political rights, they had compelled them to acknowledge their national religion, they had wrung from them these concessions one after another, and the present was not so much a question of an annual grant for the purpose of educating the priesthood as an acknowledgment that the national religion of Ireland was a matter of national care, and had the same right to protection as other denominations. They must look at this question as statesmen, and not as sectarians. The hon. Member for North Warwickshire had said that no man in that House was more tolerant with respect to his Catholic fellow-subjects than himself. He (Mr. Horsman) must confess that in that case he hardly knew what was meant by the expression of "Protestant toleration of our Catholic fellow-subjects." They must remember that the population of these islands, the subjects of Queen Victoria, were divided in their religion; that in England the majority were Protestants, and in Ireland Catholics; if they took the population of the two islands, undoubtedly the majority would be of the Protestant faith, but if they took the population of the whole Christian world, they would find an immense majority of Catholics. How, then was the question to be settled, seeing that neither would defer to the arguments of the other party? Were the two parties to be drawn out against each other in perpetual hostility? That system had surely been tried long enough. Up to the year 1829, they tried all they could do by severity and proscription; since 1829 they had tried what they could effect by conciliation, and, as experience had shown, with the greatest possible success. Since 1829 they had attempted to adapt the legislation to the real condition of the country, and the attempt had been followed by the most important results. He could not see on what ground the grant to Maynooth was to be regarded as a matter of favour which the Government were entitled to withdraw at pleasure. Neither the number nor the character of the Irish people, who, after, passing through a long period of adversity and distress, still remained the equals of Englishmen in all the qualities that stimulated ambition or commanded success, warranted such an inference. They were not the people so inferior either in number or qualities that we might condescend to "tolerate" them. He totally repudiated the word. The hon. Gentleman had endeavoured to draw a distinction between the population and the priesthood of Ireland. True, he had paid some compliments to the Catholic population, but he had qualified those compliments by strong censure, and, with regard to the priesthood, he (Mr. Horsman) felt that great injustice had been done them on account of their having taken part in political contests. Now, in estimating the character of the priesthood, it must not be forgotten that Ireland had been for centuries torn by faction, that the religion of the people had been strenuously attacked, and that it was therefore natural that the priests should come forward to the van and be foremost in the battle. Besides that, circumstances had drawn the Irish people and the Irish priests into unusually close relations. To whom had the peasant had to look for centuries? They could not say that the landlord had been his friend. They had been estranged by the difference in their faith. Nor could it be said that the law had been his friend, for he had long known the law only by its privations and its proscriptions. Nor could he look to the Government as his friend; for the only experience he had had of its action was for a long period in its penalties and severities. In such times as these the peasant not unnaturally felt that the priest—sprung, be it remembered, from his own rank—was the only friend he had to look to. And he believed that in his efforts to promote the well-being of those committed to his charge, the Irish priest had done his duty conscientiously and assiduously. In all their trials, in all their difficulties, in all their dangers, there had existed the closest tie between the priest and the peasant, and he believed, whether acting right or wrong, it had always been the desire of the latter to promote, as much as possible, the welfare of the Irish population. He did not hesitate to say, that he sympathised with every faith that was the object of persecution, and with every man who was the victim of oppression. So far from thinking it was necessary to apologise for the course he had taken, it was for hon. Gentlemen opposite to apologise for the course they had taken. It was for those to apologise who had made Protestantism the cloak for injustice and the instrument of wrong, and who had exhibited it to the world in invidious features. It was for them to show that their practice was conformable to the principles of the religion they professed. Persecution had been a heavy blow and great discouragement to Protestantism in Ireland, and the more he venerated his religion the more he would elevate it by attending to those precepts of charity and justice on which he thought it was founded. Vindicating for himself the right of judgment, he would give that right freely to all who differed from him. It was in the interest of peace that he opposed this Motion, because he thought the religion he professed was the religion of peace.

It was for the interest of charity and good will that he opposed this motion, because charity and good will were the precepts of religion in which he was brought up, and the more he venerated that religion, and the more he desired to uphold, elevate, and exalt it in the eyes of others, the more he wished to have it admired as the instrument of peace, instead of being detested as the emblem of injustice. The hon. Gentleman the Member for North Warwickshire had thought it necessary to make some observations with respect to the time at which he had brought forward this Motion, and he (Mr. Horsman) must also say, that the time he considered was most inappropriate. They now, for the first time they could remember in the history of Ireland, witnessed a degree of peace, prosperity, and tranquillity, such as they had never before beheld. After years of every kind of suffering and calamity a ray of sunshine had appeared in that country, which some years ago they could not anticipate. The peasantry were industrious, the proprietary were thriving, there was peace where there had been war, there was security where there had been danger, there was no political agitation, everything, as far as they could see, promised a future which it was impossible to look forward to without hope and satisfaction, and he felt it was unfortunate on such an occasion that these causes of dissension, discord, and strife should be raised, in connection with a question the most dangerous of all, because it was connected with the religious susceptibilities of the nation. The hon. Gentleman had spoken of the safety of the Throne, the integrity of the empire, and the happiness of the Queen's subjects as being involved in this question, and he threw on the House the responsibility of rejecting it; but he (Mr. Horsman) said let the responsibility of bringing the subject forward fall upon the hon. Member. Let his be the honour and glory of sowing dissension and discord where peace now prevailed, and of raising all those questions which it had been the desire, the aim, and the effort of successive statesmen for years past to endeavour to set at rest. He (Mr. Horsman) and, he hoped also, the majority of that House, were prepared to take on themselves the responsibility of promoting that system of legislation which he thought had conduced to uphold the character of the Legislature and of the nation, and to vindicate and raise our national religion in times not without difficulty. He trusted, that in times of peace and prosperity to Ireland they would enjoy the fruits of having wisely and impartially administered the affairs of Ireland, and that they might be able to say of the Queen of England, that it was her glory in peace and her strength in war, that she reigned in the hearts and spoke with the voice of a well-governed and united people.

MR. NAPIER said, that as this question had been brought before the House, it was impossible for any hon. Member to avoid pronouncing a judgment and opinion on it. Though, as a member of the Established Church, he could not concur in the doctrines of the Roman Catholics, he was ready to argue this question as the right hon. Member the Secretary for Ireland had put it—simply as a political question. The right hon. Gentleman had said that the House was now called on to disendow what had been endowed under the peculiar circumstances of 1795. But the Motion of the hon. Member for North Warwickshire would not touch the Act passed at that period, which did not endow at all, but was simply permissive, enabling the parties to receive subscriptions and donations for the voluntary support of the college. Subsequently, annual votes were passed as donations, but this Motion merely called upon the House of Commons to take into consideration the present endowment out of the Consolidated Fund, which was created by the Act of 1845. With respect to the priesthood of Ireland who were educated at that college, what had been the description given of them by the noble Lord opposite last year, when the Motion was made with respect to the Six-Mile Bridge affair? He admitted that if any clergyman in England had done half what the two priests then had done, the country would have been convulsed from John O'Groat's to Land's End; and, in answer to an hon. Gentleman, who naturally inquired why they were not prosecuted, the noble Lord said that, perhaps, they were not worse than any other of the priests in Ireland. What had been the further description given by Lord Clarendon in his celebrated letter to Lord Shrewsbury? It had been said that the *Index Expurgatorius* was not enforced in Ireland. If so, why had Bailly's book been expelled from the College of Maynooth? The evidence in 1825 and 1855 was not very consistent. With regard to the bull, *In Cœna Domini*, one witness is asked whether it was in force in Ireland? He said it was not. On being asked why, he answered, because the Roman Catholic bishops examined in 1825 had said so. But did they? Dr. Doyle, in his examination, insinuated that the bull was not in force, that it had been rejected in every Christian country in Europe. He was asked, was it in force in 1793? He said it might have been and subsequently, but that it was not then in force. But what did Cardinal Erskine say to Sir John Cox Hippesley in 1793? He told him that it was in force in all cases where no impediment existed. Therefore, it was in force always in Ireland. But that bull was the standard of all the cases reserved to the Pope; and, moreover, it raised the most important question of all —what was the canon law adopted in Ireland? He (Mr. Napier) challenged any man to say authoritatively what the canon law was as it was in force in Ireland. The professors of Maynooth taught it without any restriction; but in a compilation of authentic references, to which the name of the Vice Chancellor of Cambridge was appended, he found that the canon law, as taught in Maynooth, was largely in conflict with the constitution of the country, and that it established in temporal matters the Pope's spiritual authority. The right hon. Gentleman (Mr. Horsman) said the Pope had no temporal power in these countries; but this volume showed that it was a supreme spiritual power in temporal things; and the Gallican Church, which understood the case better than the right hon. Gentleman, had taken the distinction between temporal power and power in temporal things. One of the witnesses was asked if the Pope had any power over conscience. He said, no, except it was a case of conscience? But, in the answer to the next question, he declared that the canon law was the rule of conscience, and no one would tell what the canon law was. The professor was examined as to the body of that law published by the Bishops in 1832, and asked whether the bull, *In Cœna Domini*, was reprinted in it. He said it was, but that his copy had been printed in Belgium. The Irish Roman Catholic Prelates had, however, given their sanction to its publication, and there were plenty of copies of it in Ireland. With respect to this grant to Maynooth, the Government and Parliament had got into a false position, and they must get out of it, whatever might be the consequence. Great importance was attached to the election of free students for Maynooth, but by whom were they elected? By Dr. Cullen, and the other ultramontane archbishops, who were appointed specially by the Pope. He was the Pope's legate, and was appointed the head of the Synod held in Ireland. The first thing he had to do in that capacity was to administer an oath to every member of the Synod, by which they were bound to obey the Pope and enforce the Canons. So that they had these men in effect swearing that they would carry out the canon law. He would appeal to the common sense of the House whether they would support an institution by means of which they would enable these men to spread ultramontanism and carry out the canon law, which was declared to be contrary to the laws of this country? It might be illegal to act according to the canon law, and might subject the transgressors to punishment. Why, then, he would ask, should they go on educating people in error, and allowing them to be taught to obey the canon law, and then afterwards punish them for doing so? Looking at the question as a matter of policy and of plain common sense, he would ask whether the Act of 1845 had turned out satisfactorily? He believed it had not, and that it was, therefore, well worth their while again to reconsider the subject. He could very well understand many persons saying—"We don't give this money for the purpose of teaching erroneous doctrines, but we give it to enable the Roman Catholic priesthood to get a better secular education, that they might be more qualified than they now are to minister to the Roman Catholic population of Ireland." The State policy of this measure of the Maynooth grant was first to get a domestic and well-educated priesthood, in order that the people might not be left in the hands of those who were not competent to teach them; and the next object was to have a loyal body of men attached to the constitution. But had they succeeded in these two objects? With regard to the first, the evidence showed how it had failed; and, in respect to the second object, he had shown that the students of Maynooth were taught to recognise the whole body of the canon law without check or control. He thought that Parliament was in such a false position that nothing could save them but a frank and searching review of the past, which should be done in such a way as would respect the rights of all parties. They had tried a great experiment. A

Commission had been issued to ascertain whether, as a matter of State policy, that experiment had succeeded or had proved a failure. He thought that the result of the labours of that Commission showed, as far as the grant to Maynooth was concerned, the failure of the experiment. But, looking at the grant in another point of view, he could not help regarding it as an insult to the Roman Catholics of Ireland. It was, in fact, offering a bribe of 30,000*l.* a year to keep the Roman Catholic clergy quiet. He hoped the House would consent to go into Committee to consider the proposition of the hon. Member for North Warwickshire; but if, when it should be laid before them, it should appear to him that it could not be carried into effect consistently with justice, he should be the last man to give it his sanction.

On the Motion of Mr. Serjeant O'BRIEN, Debate *adjourned* till *Wednesday*, 6th June.

MISSION TO VIENNA.

COLONEL SIBTHORP said, he would now beg to move the Address of which he had given notice for Returns of the expenses of the Secretary of State for the Colonies, with regard to his Lordship's mission to Vienna. He understood that the number of individuals attending upon the noble Lord upon his mission amounted to thirty-two—male and female. He certainly had never heard that it was the custom for ladies to be sent on foreign missions. He had no wish whatever to stint the noble Lord of anything which could conduce to his comfort, but the people, from whose pockets the money came, had a right to know what the cost of this mission was, the more especially as it had been a total failure. He hoped, therefore, that the whole expenses would be stated fairly and without concealment, whether they referred to luxuries, comforts, or recreation, or whether they were for purposes connected with the public service.

Motion made, and Question proposed—

> "That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Returns of the Expenses of the Secretary of State for the Colonies, with regard to his Lordship's Mission to Vienna and Conference with the other Missionaries of France, Austria, and the Sublime Porte, there assembled for Negotiation and Treaty with Russia for the restoration of Peace."

VISCOUNT PALMERSTON said, he could not agree to this Motion, the object of which clearly was to cast an imputation on his noble Friend of which he was not deserving. [Colonel SIBTHORP: No, no!] The Motion was totally without precedent. If the hon. and gallant Colonel could state any reason why Parliament should inquire into the expenses of this mission, that would be a ground for departing from the usual course. The expenses of missions of this kind were always stated in the return of Civil Contingencies laid before the House, and a sum was usually taken to cover them in the Estimate for Civil Contingencies. His noble Friend had only just returned from his mission, and the accounts were not yet sent in, but, when they were sent in and presented in the return to Parliament in the usual way, he would undertake to say that they would be found to be in no way beyond the ordinary and usual amount of expenses of the same kind. It must be remembered that in the case of extraordinary missions such as this the bare expenses only were allowed, and no salary or emolument whatever was paid to the Minister or Ambassador performing the duties. The Motion could only be intended as a vote of censure upon the noble Lord; it was a total departure from precedent, for which no Parliamentary reason whatever had been assigned, and he should therefore not consent to the production of any such return.

COLONEL SIBTHORP said, he was convinced from the noble Viscount's refusal to grant this return that the Government were afraid to lay an account of the expense of this mission before the House. He would leave the public to draw their own inferences, but for his part he looked upon it as an underhand, low piece of business, and he washed his hand of it altogether.

Motion, by leave, *withdrawn.*

The House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Wednesday, May 2, 1855.

MINUTES.] NEW WRIT.—For Renfrewshire, *v.* Colonel Mure, Chiltern Hundreds.

PUBLIC BILL.—2° Spirits (Ireland) Act Amendment.

EDUCATION (No. 2) BILL.

Order for Second Reading read.

SIR JOHN PAKINGTON: Mr. Speaker, when I applied for leave to introduce this Bill, of which I am now about to move the second reading, I stated the objects which I had in view, and the nature of the measure, at so much length, that I had not intended to intrude upon the patience of the House to-day in moving the second reading; I intended rather to reserve myself to answer any objections that may be made to the measure in the course of the discussion. I will, Sir, however, venture for a few moments to request the attention of the House, in consequence of having reason to believe that the real objects I have in view, and the nature of the measure itself, have been a good deal misunderstood. I think it is most advisable, as we are to divide to-day upon the principles of the Bill, that hon. Gentlemen should know what those principles really are. While, on the one hand, I have no desire whatever to conciliate support upon false pretences, I should, on the other hand, be sorry if this Bill should be opposed under any mistake or misapprehension as to what are its real scope and intentions. In the first place, although I feel I have no right to claim the attention of the House upon this question, having previously stated my views at some length on the introduction of the measure, I yet hope that in endeavouring to meet a great national evil, I may ask the House to put a favourable construction upon an attempt to remove that evil—an attempt which at first sight may appear presumptuous, but which, at all events, is made with a perfect singleness of purpose. Sir, the object of this Bill is one of immense importance, and of immense difficulty. I seek by this Bill no less an object than this—I seek, at any rate ultimately, to bring a good school within the reach of every door. Now, then, what are the principles by which I seek to accomplish that great object? First of all, this Bill rests upon the principle that we are bound by our duty, with respect to the national character and its preservation, to extend and improve the existing means of education. My second principle is, that in, deference to what I consider to be a Christian duty, and to what I believe to be the feeling of the people, that improved and extended education ought to be religious. My third principle is, that, in seeking to provide an extended and religious education for the population of this country, divided as it is in religious belief, the measure should be founded upon principles of the most perfect toleration. By toleration I mean—to borrow a phrase used in some of the petitions this day presented to the House—perfect religious liberty and perfect and equal regard to the feelings of all religious denominations, and complete liberty of conscience. These, then, are the three principles upon which this Bill rests. With regard to the machinery by which I propose to carry these out, it rests upon what I may call two principles. The first is, that these great objects shall be mainly effected by means of a public fund, which fund is to be constituted by local contributions, together with grants from this House. The second principle upon which my machinery rests is, that these funds shall be administered by means of local boards, popularly elected, acting upon that principle of self-government which we have so much at heart, embracing within them the most educated and competent classes of the country; but that these local boards, which are to watch over, to guide, and to foster education in the several districts, shall be superintended by a central department, duly representing and responsible to this House, and thus to carry out a principle closely analogous to that great measure by which the relief of the poor of this country is administered. These, Sir, are the principles upon which I, this day, ask the House to pronounce an opinion. I have earnestly to express a hope that your votes will be given upon these principles, and that you will not allow yourselves, in considering these principles, to be embarrassed upon questions of detail which ought properly to be reserved for discussion and examination when we are in Committee. I will now, Sir, briefly allude to certain misapprehensions with which I am told this Bill has been received. I am told that in respect to the third principle upon which the Bill rests, namely, perfect toleration to all religious denominations, that there are some persons who, agreeing with me in my views so far, nevertheless think that I am running the risk of endangering everything like a religious education, that I have taken no security whatever against secular schools being maintained under my Bill; and, above all, that I have said nothing in the Bill as to the necessity of the reading of the Holy Scriptures in the schools. Now if that objection were really well founded, I confess I should consider it a most serious one. Such, however, is not my intention, and such I contend is not the tendency or the real meaning of the clauses referred to. But if any hon. Gentleman considers them open to this objection, all I can say is this, that, disclaiming any such intention, I shall be prepared to meet them in the same candid spirit, and shall be willing to introduce words when in Committee upon the Bill, to guard against the apprehended danger. The reason why I do not think that I am open to this charge is, that the Bill rests upon what is commonly called the denominational system. I beg hon. Members to recollect, that I have, by the wording of my clauses, divided the schools of England, both present and prospective, into two great classes. The first is all the existing schools, some of which are good and some bad, but still a great number of them are at present in existence. The other great class is the schools to be hereafter provided under the clauses of the Bill. It seems to me that such is the intention of my measure, and in my humble judgment there is really a provision for religious instruction in both of these classes. It seems to me that all the existing schools throughout this country, as far as my knowledge goes, are connected either with the Church of England, or with some one of the great recognised religious denominations of this empire. And here let me speak of the Dissenters with that respect, and I will say with that gratitude, which I feel towards them. I hope, Sir, that in considering the provisions of this Bill, there will be no feeling of bitterness existing between Churchmen and Dissenters. It is, I think, impossible for the most ardent Churchman to deny that in the course of the last half century, while the population was increasing so vastly in numbers, the Church of England has failed to keep pace with the requirements of increasing numbers. On the other hand, it is equally impossible to deny, that in respect to both religious and secular knowledge we see growing up around us in crowded districts a population dangerously and sadly ignorant of the great truths of religion. But, dangerous as that evil is, it would be far greater had not the leading denominations of Dissenters stepped in to the rescue, and trained many thousands of our population to the knowledge of their religious duties, of which the inadequate supply of Church instruction had left them utterly ignorant. With these feelings of respect towards the Dissenters, I have framed my Bill, and with the belief that our great and well-known denominations of Dissenters—for it is to them I now speak—wherever they have their own schools established, will be as ready as any other religious classes to inculcate the necessity of reading and explaining the Holy Scriptures. It would, therefore, be almost presumptuous on my part, to prescribe to them the necessity of teaching the Scriptures in their schools. Well, what are the other existing denominational schools not in connection with the Dissenters? There is an immense number of them connected with the Church throughout the length and breadth of the land. My belief is, that if I could ward off the objection taken, and prescribe in my Bill the manner in which the clergy of the Church of England should read the Scriptures, and teach religion to the people, I should raise a storm against me of the opposite nature, and I should be asked what business had I to tell them how they are to read the Scriptures and to teach religion in the schools of this country. I only mention this branch of the subject for the purpose of showing that in omitting any direct allusion to the reading or teaching of the Holy Scriptures, I felt that by necessity, by the terms of the Bill itself, it was laid down that in respect to the schools of either class, although there was toleration for all, still that the new schools to be established under my measure must be in connection with some religious denomination. Well, then, another objection has been raised, that in respect to some of those new schools to be established under this Bill, there is nothing to prevent them being as it were Mormonised. I allude to this point now, because I perceive it has been raised in a petition presented this day by the right hon. Gentleman the Member for Manchester (Mr. M. Gibson), in which the very word "Mormonist" is mentioned. Well, my answer to this objection is this—I never contemplated, in the establishment of schools under one class or the other, that any other religious denomination should come within the provisions of the Bill, except such as are recognised and are well known; such as have followed the proceedings of the Committee of Council on Education. The provisions of my Bill only apply to the recognised religious denominations. Now, as the clause does require that the religion of those schools should be prescribed by the Committee of Council, it follows as a matter of course that the Committee of Council will not prescribe any religion for them that is not already recognised. Sir, having said so much in justification of this measure, I do not think it necessary to detain the House by any further explanations. An Amendment, I believe, will be moved to the second reading of this Bill. I shall then have the power of meeting any of the objections that may be urged in the course of this discussion. I have therefore now, Sir, merely to move that the Bill be read a second time.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. HENLEY:* Sir, I am sure the House will feel that no apology is required from my right hon. Friend for having brought forward this important subject. It is one in which all parties are deeply interested, and no apology is necessary on the part of any man for bringing forward any propositions which he may think calculated to promote the welfare of his fellow-creatures. Sir, I confess I feel very great difficulty in the course I am about to take, because, in asking the House not to agree to the second reading of a measure which professes to have for its object the promotion of the education of the people of this country, it might be assumed by some persons that I am inclined to oppose any extension of education at all. That, however, is not the case, and the reason why I feel called upon to oppose the Bill of my right hon. Friend is, that I entertain the most deliberate conviction that to affirm its principles will not be to extend education at all—certainly not religious education. Fortunately, I am relieved from the necessity of replying to any insinuation that, in opposing the Bill, I am actuated by a party feeling, because it is brought forward by a dear and valued friend, with whom I have been associated, and nothing but the conscientious conviction that it will produce the evils I apprehend could have induced me to oppose it. But, having this conviction, I think it is due not only to my right hon. Friend, but to myself and to the country, to state fairly the objections which I entertain to the measure. The new definition given to the principles of the Bill this night by my right hon. Friend does not in the least alter my opinion of the measure. I do not think that any one who has carefully read the Bill can misunderstand the intentions of my right hon. Friend; but whether my right hon. Friend has succeeded in carrying out those intentions in the enactment he has proposed is altogether a different question.

Sir, I am even disposed to look at this question in a somewhat higher point of view than my right hon. Friend has considered it. The professed object of the Bill is to bring a good and extended religious education within the reach of every door; but, instead of extending education, I believe the Bill will have a contrary effect. The real question for the decision of the House at the present moment is, whether it will extend and foster a voluntary self-supporting system of education, or whether it will run the great risk of suspending that system for three or four years, while a new scheme can be got into operation; whether, in point of fact, it will absolutely arrest the vast progress now being made, run the risk of cutting the throat of a system which, if it has not done all the good that can be wished, has unquestionably effected a vast amount of good, and set up a system of local or State education to be supported by an enormous taxation.

Sir, in bringing into operation the vast machinery proposed by the Bill of my right hon. Friend, I do not think the result will be attained which my right hon. Friend seems to expect; and one very serious question for consideration, which I shall have occasion to allude to hereafter, is, whether, in such a measure as this, you will not stamp upon the education of the country the brand of pauperism. That is not a matter to be lost sight of. At the present moment the humbler classes of society are contributing largely and cheerfully to aid in, and secure the education of their children, and are being gradually drawn more kindly towards their richer neighbours; and each class is endeavouring to contribute in fair proportion to the common good; and I should be most sorry to see anything done to interrupt the process now going on.

And, here, Sir, I will ask, what is meant by the word "education?" If it is meant that a person is merely to be able to read and write, do certain sums in arithmetic, or answer certain claptrap questions about the position of various parts of the world, the reigning sovereigns, and other matters of that kind, then I have no hesitation in saying that I do not very much value such an education. I believe, Sir, that education, to be of value, and especially that which it is the duty of the State to promote, ought to be of that kind which trains the mind upon the solid foundation of religious teaching, reaches the heart, and elevates the condition of the people, so that they may know what is, and how they are to do, their duty to God and man; and, doing their duty to God and man, may successfully struggle through this life to the life to come. Humble as may have been the means by which we have endeavoured to attain this end, I believe that among the people of England, compared with the population of any other country, a state of things has been brought about, which, if it may not be all that can be desired, shows, at all events in comparison with other places, that the system which has existed cannot have been so very faulty. A very large proportion of the favourable result that has been brought about must necessarily be attributed to the school system. My right hon. Friend may call the present system no school system at all, but an enormous number of schools are scattered over the face of the country, in which, though the education imparted may be deficient in what is commonly called school learning, the effect has been to secure the more important result of educating the minds and hearts of the people. My right hon. Friend has referred to the deficiencies as to numbers of the Church Establishment in affording auxiliary aid to the education of the people. No man can be more sensible of that fact than I am, and every one must admit that, short as has been the means of securing secular education, the means of securing spiritual education among the people, except in the schools, has been still shorter. It must, I think, be admitted, that if religious instruction is not secured in the schools, we shall deceive ourselves if we expect that it will be supplied either by the parents or the ministers of religion, the number of the latter being wholly inadequate for such a purpose. According to the official returns of the last Census, rather more than two-thirds of the number of children which Mr. Horace Mann estimated ought to be at school were at day schools, whereas, in reference to the religious point of the question, the deficiency in the number of those who ought to attend places of worship is much more. My right hon. Friend, in introducing his Bill, stated what he considered to be the requirements of the country, and placed those requirements under four heads. In order that no mistake may be made in the view taken by my right hon. Friend, I will give his statement

from a published report of his speech. My right hon. Friend said—

> "In considering this subject, I shall divide it into four parts—first, the number of those who receive no education at all; secondly, the quality of the education received by those who attend schools; thirdly, our comparative state with regard to the rest of the world; and fourthly, the deplorable results of having neglected this question."

Sir, I propose to follow my right hon. Friend into each of these points, and I may remark that the conclusion drawn from them by my right hon. Friend was, that the deplorable results of our neglect had surrounded us with a mass of ignorance and crime which was sapping our prosperity, and deeply affecting our welfare and our institutions. Now, Sir, I believe that there never was a time when the institutions of this country were more secure than they are at present, and when, speaking generally, we could look with greater satisfaction upon the state of the people. I do not wish to be misunderstood in this matter. I do not mean to say that there is not a large amount of crime and ignorance existing, which I should be glad to see removed; but ignorance and crime will always exist to a certain extent, though that is no reason why we should not take every means in our power to abate that ignorance and prevent that crime. Now, I hold a strong opinion that the measure proposed by my right hon. Friend will not remedy the deficiencies of the existing system, that it will neither increase the number of scholars, nor the quality of the education imparted. It must, however, be borne in mind, that when I use the term "quality of education," I mean that sort of education, as contra-distinguished from school learning, which while it instructs the head will reach the heart. My right hon. Friend, in introducing his Bill, drew an elaborate comparison between the state of education in this country and upon the Continent. I shall have occasion hereafter to touch upon that subject more fully, but at present I merely wish to say that, according to the evidence of the amount of crime prevailing in England, it is at all events decreasing, and my right hon. Friend has never attempted to show, in any part of his long and able speech, the connection that may exist between the want of school learning and crime. Sir, let it not be understood for a moment that I stand here as an advocate for ignorance, but after the observations of my right hon. Friend, it is necessary to see how far his arguments are supported by facts. In the first instance, I differ in some degree from my right hon. Friend as to the number of children at school. The statement of my right hon. Friend was, however, founded upon the Census returns, and, according to those returns, the number attending the day schools is about 2,140,000, and the number attending the Sunday schools, about 2,400,000. According to the calculations of Mr. Horace Mann, there ought to be something like 3,000,000 children at day schools, instead of 2,140,000; and the first question for the House to consider with regard to this statement is, what is the reason that the whole number of children who ought to be at school are not at school? In point of fact, that is a matter that lies at the root of the whole question; and any person who has gone at all closely into the question will have arrived at the conclusion, that the lack of attendance at school is not altogether owing to the want of school-room. The evidence taken before the Manchester and Salford Education Committee is almost conclusive upon that point; but while in the aggregate there is a sufficient amount of accommodation, there may be many local deficiencies. The provisions of the Bill, however, give no sure remedy for such a state of things. According to the Report of Mr. Watkins, one of the Government inspectors, on this subject, quoted by Mr. Horace Mann in his Report on the Census, it is said that—

> "In 256 inspected schools, having 27,363 children in average attendance, the accommodation, at six square feet for each child, is available for 50,801. In Manchester and Salford it seems, from the evidence before the Parliamentary Committee of 1852, while only 33,663 children were upon the books of all the day schools, there was redundant accommodation for no less than 34,443; so that it may very fairly be concluded that if, in 1851, as many as 2,144,378 scholars were upon the books of day schools, the accommodation could not have been far from adequate for 3,000,000. It is possible, indeed, that the accommodation may not always have been just in the place where it was wanted."

Now, the great question for the consideration of the House is, the reason why these children do not avail themselves of the accommodation provided, and, with all due regard to the able mode in which Mr. Horace Mann has treated this question, I think that gentleman has, in dealing with it, omitted one most important element—namely, the distance at which many of the children live from the schools where education is to be obtained. Now, I am prepared to show that the Bill of my right hon. Friend, and all Bills of a similar character, would fail to bring the schools to the door of the children, and from their very nature would be unable to do so. The indifference of parents is often alleged as one cause of the small attendance at the present schools; but how is the right hon. Gentleman's Bill to remedy that evil? I am afraid that the indifference of the parents arises from a feeling that, it is not surprising to me, should have lingered among our humbler brethren for a much longer time than among the educated classes; for it is not many years ago that even in educated society there was not such universal agreement as to the benefits of education as you find now, and it is almost cruel to reflect, as has been done in many works relating to the subject of education, upon the indifference of the parents to send their children to school, when doubts as to the benefits to be derived from it have so recently existed in the minds of the educated classes themselves. From whatever cause the indifference of the people arises, the Bill provides no mode by which the attendance of the children can be made compulsory; and thus in respect to the indifference of parents, the number of children who will stay away from school will continue the same as at present. The next point is a most important one, namely, whether the want of attendance at school arises from the poverty of the parents. Poverty and indifference are matters entirely distinct from each other, and the argument that the poverty of the parents keeps the children from school divides itself into two distinct considerations—one being the inability of the parents to pay the school pence, and the other the want of thriftiness and careful habits among some of the poorer classes, by which, when they get a little behindhand in the world, though they may be enabled to pay the school pence, they are not able to send their children to school in sufficiently decent apparel to place them upon a footing with their neighbours, and are therefore induced to keep them at home from a feeling of false pride. I believe that that feeling exists to a very considerable extent, and no means are provided in the Bill by which it can be remedied. Certainly, so far as the limited class who are unable to pay the school pence are concerned, the Bill would afford some remedy, inasmuch as it proposes in certain cases to make the schools free. How far they are to be made free is a question of great importance, because, if the new schools only are to be free, the remedy would be of a very partial character, and to make all the other schools free would be to stamp pauperism upon the whole people, and to produce an evil which would be ten thousand times greater than any advantage to be derived from the possibility of bringing to school the few children whose parents are unable to pay the school pence. My right hon. Friend, in his able speech when introducing this Bill, selected Austria as one of the best educated countries in Europe; but I shall shortly have occasion to show that the compulsory and free-school system of Austria has not succeeded in bringing so large a number of the whole population into elementary schools as the voluntary system adopted in this country. The difficulty of getting the children to the schools lies at the very root of the present question; and a statement of Mr. Horace Mann goes to prove that it is not an inability to pay the school pence that keeps the children from school. Mr. Mann says—

> "The condition of many of the free schools where no payment is demanded of the scholar seems to show that 'poverty' is not an adequate explanation of the children's absence, for in many free schools, though located in the midst of populous neighbourhoods, the attendance of scholars is less numerous and much less constant than in schools which require a fee. The fact that free schools, well conducted, may be found half empty, while a multitude of uninstructed children who might enter them remain outside, seems inconsistent with the theory that the poverty of the parents is the chief impediment to a sufficient school attendance."

That is the opinion of Mr. Horace Mann; but Mr. Mann does not stand alone. Mr. Kennedy, who favours a rate, one of the Government inspectors, as quoted by Mr. Baines, in his evidence before the Manchester and Salford Education Committee, says—

> "And without some stimulus I almost fear that no measure, not even a rate providing good instruction for all, will have due effect; for, even when we have got good school-rooms and good teachers, and plenty of them, how are we to get the scholars?"

Mr. Kennedy offers no solution to this question, nor does the Bill of my right hon. Friend. It is, however, incumbent upon my right hon. Friend, in proposing a complete change of the present system, to show that the change would have the effect of inducing an increased number of children to attend the schools, though I believe my right hon. Friend must entirely fail to show that such would be the result. On the contrary, I believe, that, instead of the Bill securing the attendance of a larger number of children, there would be a danger of closing many of the smaller schools now existing, and consequently of diminishing the number of scholars, who could not attend the district schools.

I come now to the question of the quality of the education given. My right hon. Friend has made broad assertions, but has given extremely little evidence as to the bad quality of the education at present imparted; and he has been altogether silent as to the quality of the religious teaching given in the various schools. My right hon. Friend admitted the large number of schools now existing, but was not pleased with their locality, size, or the quality of education given in them. He said, "Your schools are scattered about all over the country, and held in all sorts of places." Now, the reason they are scattered all over the country is, that they have been established as the Church of England has followed the population. It is impossible in every little village of one, two, or three hundred inhabitants, to have fine schools, but those who think with me that it is highly requisite at all events to teach the child his duty to God and man, have been content to supply that education in those humble day schools in those corners, which my right hon. Friend does not approve, and by that means they have diffused throughout the length and breadth of the land such an amount of essential knowledge, which, although it comes short in the article of technical school learning, has been among the causes, under the blessing of God, of the present improved condition of the people. My right hon. Friend has not been quite just upon this point; he has quoted an extract from Mr. Mann's Report, containing a statement of a nature calculated to attract the attention of the House, without having given the whole of the statement made by Mr. Mann in reference to the subject. My right hon. Friend, after describing the manner in which the existing schools are scattered throughout the country, their humble character, and the places in which many of them are held, proceeded to say—

> "Mr. Mann adds these significant words—'In the case of 708 out of these 13,879, the returns were respectively signed by the master or mistress

with a mark. Could anything show more conclusively the miserable inferiority of the system in operation in this country?'"

[Sir J. PAKINGTON: Hear, hear!] My right hon. Friend cheers, but in common justice to Mr. Mann another passage appended by Mr. Mann, which entirely qualifies the statement quoted by my right hon. Friend, ought to have been given. Mr. Mann said—

> "Of course, in looking at the 13,879 inferior schools, it must not be forgotten what a large proportion of the total number of scholars is composed of children under five years old, for whom a higher class of school would be of little avail."

I think my right hon. Friend ought, in common justice, to have quoted that passage, because it completely removes the effect of Mr. Mann's previous statement. It is well known that children are sent to what are called "infant schools" at the age of one or two years; in fact, the labouring classes frequently send their children to such schools that they may be taken care of while the parents are at work, and all that is required on the part of the teacher is, that she shall be a good motherly woman who will keep order among her scholars and teach them their letters. I believe it would be found, on inquiry, that more than 700 out of the number of schools to which Mr. Mann referred were of the class of infant schools. The only other evidence adduced by my right hon. Friend with regard to the quality of the education afforded, was a quotation from some work which mentioned the number of men in a militia regiment who were unable to write their names, and were obliged to make their marks. The House must remember, however, that militiamen generally enter the service at the age of twenty, or even earlier, and, as the children of the poor usually leave school about the age of twelve, the reference of my right hon. Friend carries us back to the state of education as it was eight years ago. The case of these militiamen may afford some proof of the state of education eight years back, but it is no evidence of the state of education at the present time.

Sir, I must express my surprise that my right hon. Friend has omitted, throughout his speech, any notice whatever of Sunday-school education. The instruction afforded in such schools is unquestionably a very valuable element in the educational system of this country, and I believe tends not only to keep up the knowledge which has been acquired by children in day schools at an earlier age, but also to do much in imparting the most valuable of all knowledge.

My right hon. Friend has compared the systems of education in this and in foreign countries, and appears to rely principally upon the case of Austria. I shall endeavour to show the House what is the real value of that comparison. The right hon. Baronet, in introducing his Bill, said—

> "I find that in 1846, when the population of England was 17,018,600, the number of persons committed for trial was 25,107, and the number summarily convicted was 35,749, making altogether 60,856 persons convicted of crime. The population of Austria in the year 1838 was 23,652,000, and the detected crimes amounted to 29,492. The result is, therefore, that while the population of Austria was upwards of 6,500,000 more than that of England, the detected crime in England was double that of Austria."

My right hon. Friend went on to state, "that in Austria one in 800 of the population was detected in crime, while in England three in 800 are detected, making a difference of three to one." It is with great regret that I feel compelled to say that my right hon. Friend's comparison is inaccurate in every particular. In the first place, the House will observe that my right hon. Friend's comparison is between persons accused in England and persons detected in Austria. In the next place, the right hon. Gentleman takes from the criminal tables for this country, relating solely to indictable offences, the number of persons as convicted, when, in point of fact, they were only accused, and, adding to them the number summarily convicted, he compares the result with a table of criminals in Austria which relates only to what are in England indictable offences. On referring to Mr. Kay's book, which is the authority upon which my right hon. Friend has relied, I find that the offences included in the Austrian table of criminals are not such as are treated summarily in this country. The list contains high treason, breaches of the peace, rebellion and outrage, public assaults as contradistinguished from common assaults, returning from transportation, ill-treatment of officials—(I do not know whether in this country such an offence is indictable or can be dealt with summarily.) The other offences mentioned are forgery, coining, religious disturbances, violation, murder, manslaughter, procuring abortion, child desertion, wounding, malicious burning, theft, embezzlement, robbery, fraud, bigamy, defamation, assisting criminals, and non-compliance with the sanitary laws. Surely no one will contend for a moment that the class of offences which come under our summary jurisdiction in this country, can have anything to do with such a table as this. Now, Sir, as the House has been told that Austria possesses one of the best educational systems in Europe—a national system which the people are compelled at the point of the bayonet to adopt—I have endeavoured to ascertain the real condition of that country in an educational point of view, so far as regards the numbers receiving education, and I will undertake to show the House, that, notwithstanding the existence of a national and compulsory system of education, the number of persons receiving education in Austria is below what it is in this country. This is a very material point in considering the comparative results of the voluntary and State systems of education. The difference is materially in favour of this country, and I will show the House that, even with respect to the equality of distribution of education, the Austrian dominions are in a much worse condition than England, and that there is in this country less of crime, and a higher standard of morality, than in Austria. The work of Dr. Kay, *Education of the Poor in England and Europe,* refers to the years 1837 and 1838, and we have in the library of the House returns of the number of persons educated in the Austrian dominions, following exactly the same divisions as Dr. Kay, for the year 1847; and the proportion of persons educated in 1847 does not appear to have differed materially from the proportions of 1837 and 1838; so that, practically, the thing was pretty well stationary in Austria between these two periods. The whole population of Austria, excluding Hungary, was, in 1838, 23,652,000. The number of persons receiving education in all the primary schools, including what were called the "repetition" schools, at that time, was 2,338,985, the proportion of the whole population educated under the compulsory system being one in ten and a fraction. In this country, however, where it is said that no system of education exists, the proportion of the people receiving education is one in eight and a fraction. With regard to the number of persons convicted of the crimes before mentioned in Austria, I find it is stated by Mr. Kay to be 29,492, or as nearly as possible 1 in 800 of the population, in 1838. I shall show presently that in this country it was 1 in 846 in 1851.

I now come, Sir, to the test of morality, which is by no means an unimportant one, as showing how far education has reached the hearts and affected the conduct of the people. I may state that Mr. Kay, in his work, does not enter into this part of the question; and I have obtained the information to which I am about to refer from the Parliamentary papers in the library. The number of births throughout the whole Austrian Empire in 1846 was 976,495; the illegitimate births numbered 100,528; so that the proportion of illegitimate births was one in nine and a fraction. I will now direct the attention of the House to the state of education in the different portions of the Austrian Empire, and I must here observe that the statements of my right hon. Friend may have led the House to infer that the least educated among the population of Austria are the most vicious. I will ask the House to consider the condition of the provinces of Galicia, and of Upper and Lower Austria, which are under the same law with regard to a national system of education; Upper and Lower Austria having the largest number of the population at school, and Galicia the least number, excepting two provinces of small population. The population of Galicia numbers 4,728,000, but only one in forty-eight receives education. It must then be clear that, in Galicia, education, even under a compulsory national system, cannot be brought as it were to every man's door: for if that were so, how is it that so small a proportion of the children attend school? Now, what is the number of criminals in Galicia, in proportion to the population? It is 1 in 1,570. Let the House mark how elements of this kind baffle calculation, and how dangerous it is to be led by such statements as have been made by my right hon. Friend to condemn our own system and our own population. Then, with respect to the question of morality, I find that the number of births in Galicia in the year 1846 was 200,742, while the number of illegitimate children was 17,271. In Galicia, therefore, where education is compulsory, yet reaches few of the people, there was one illegitimate child in eleven, while on the average population of the Austrian Empire the proportion was one in nine. I will now refer to the most highly educated part of the Austrian Empire—namely, Upper and Lower Austria, which contain 2,246,000 inhabitants, and where the proportion of the population receiving education is 95 or 96 per cent, or one in six and a fraction—an extraordinarily high proportion. The number of criminals in that portion of the Austrian dominions was 3,418, or 1 in 656 of the population. What, then, is the state of morality in the same districts? The number of births was 82,879, of which 20,000 were illegitimate—a proportion of about 1 in 4¼. So much for the comparative results to be drawn from the effects of a national and compulsory system of education! I do not wish to conceal anything, and I must therefore remind the House, in considering this subject, that the morality of the Austrian people may be affected by the marriage laws of that country, which, I believe, throw difficulties in the way of the marriage of persons who are not educated up to a certain point. It is, however, a very remarkable fact, that in that portion of Austria where education is the most extensively diffused, the moral and criminal condition of the people appears to be the worst. Unquestionably, the number of marriages in the Austrian Empire is less, in proportion to the population, than the number of marriages in this country, and I think that may well be the case when illicit intercourse exists to such an extent as is shown by these returns. I will now show the House what is, in this respect, the condition of our own still happy country, which my right hon. Friend has described as steeped in crime and ignorance. In 1851, the population of this kingdom numbered 17,927,609, of whom 2,144,378 were educated, or a proportion of 1 in 8⅓. The number of criminals—of persons convicted, not accused—was 21,579, in 1851, or 1 in 826. I take the year 1851, as affording a more just and fair average than 1846, when the number of criminals was remarkably low. Then, with regard to the question of morality, I find that, according to the last return of the Registrar General for 1852, the number of births was 622,990; and the number of the illegitimate children was 42,491, or one in fourteen and a fraction. The moral condition of this country, therefore, presents a remarkable contrast to that of the highly educated provinces of Upper and Lower Austria, where one birth in four is illegitimate. I think the facts I have proved—that the proportion of the population receiving education in this country is larger than in Austria, that the amount of criminality is less, and that the moral condition of the people is better—will show the House that it will not be very wise hastily to adopt a change such as that suggested in our present system of education. I have referred to returns in the library in order to ascertain the moral condition of other States in which a national system of education exists, and I find that in Belgium, Bavaria, and Denmark the state of morality, as tested by the births of illegitimate children, was considerably below that of this country. My hon. Friend has made this comparison an important element in his case, and, as we have been thus invited to go into the subject, I think it right to press it upon the attention of the House.

My right hon. Friend has referred to the case of America, which has also been frequently quoted as affording a strong instance of the advantages of what is called a national system of education. I am sure my right hon. Friend—and I believe the House and the country—would not value any national system of education unless it fully secured the element of religious teaching; and, although my right hon. Friend has only touched in a general passing way upon the excellence of the system of education in America, we are not without evidence which is entitled to considerable weight with regard to the effect of the instruction afforded under the American system, so far as religion is concerned. My right hon. Friend stated, and no doubt firmly believes, that by the measure which he has submitted to the House he will introduce a religious system of education into this country. The opinions of some persons who have paid attention to the state of education in America tend to show that, judging from the result of American experience, my right hon. Friend may probably be mistaken as to the effect of his measure. I am aware that the right hon. Baronet contends for a religious system of education. [Sir J. PAKINGTON made an observation to Mr. Henley which was inaudible in the gallery.] My right hon. Friend says he condemns the religious system of America, and I will show the House that the educational system established in America has sunk down into a purely secular system, and has produced results which, in the opinion of those whose statements I will quote, are not of a very favourable character. I will trouble the House with an extract from the evidence of Mr. E. Baines before the Manchester and Salford Education Committee, of which I believe the right hon. Member for Droitwich was a Member. Mr. Baines said—

> "I would wish to speak with great respect of the American schools as to their secular character; I would wish also to say that there is something exceedingly peculiar in those schools, as they profess to be what they are not; they pretend to be, as they were originally, schools for teaching religion, and yet the teaching of religion is almost altogether banished from them. It is distinctly so stated by the Hon. Horace Mann, in his tenth report on the schools of Massachusetts. He says, 'The policy of the State promotes not only secular, but religious instruction; yet in such a way as leaves to every individual the right of private judgment and the sacred freedom of conscience.'
>
> "In the origin of those schools in Massachusetts, which was 210 years ago, namely, in 1642, the instruction enjoined by law was distinctively religious instruction, and so it continued for a great number of years. That was the origin of the school system of New England in the Puritan times, by those called the Pilgrim Fathers; but, at present, while it is nominally religious, I apprehend that there is almost no religious instruction given in the day schools of the United States at all."—[*Q.* 1928.]

Now, Sir, I consider that this statement of Mr. Baines is entitled to very considerable weight. Indeed, I think the name of that gentleman is sufficient to secure attention to any opinion he might express upon a subject with which no man is better acquainted. I fear that if the plan submitted to the House by my right hon. Friend were adopted, there would be a great risk of its slipping down into a purely secular system. My right hon. Friend proposes to promote religious education in such a way as to leave to every person "the right of private judgment and the sacred freedom of conscience;" and we are assured that a system established upon such a basis in America has degenerated into a purely secular system. I find that the opinion of a gentleman named Tremenheere, who is thoroughly acquainted with the educational system adopted in the United States, is also quoted by Mr. Baines. I am not acquainted with the position of Mr. Tremenheere, and therefore I am unable to form any estimate of the value of his evidence; but that gentleman stated that he had consulted a great number of clergymen and others, who considered that the system was loosening the hold of definite Christian principles upon the minds of the people. Dr. Edson expressed a distinct opinion that the American system, which was originally set up as a religious system, had slipped down into a system of mere secular instruction, and had been attended with results which cannot but be deeply deplored. I fear that, if the plan of my right hon. Friend should be adopted by Parliament, it would also lead to consequences which no one would more sincerely regret than the right hon. Baronet. For my part, I am not prepared to consent to the establishment of a system which I believe must inevitably become merely secular.

My right hon. Friend has referred to what he calls the deplorable consequences which result from the want of an educational system in this country, and the first witness to whose evidence the right hon. Baronet referred, was a gentleman named Ruddock, who was an inspector of workhouse schools. Here, again, my right hon. Friend has not fairly quoted Mr. Ruddock. He quotes him, to show that in a vast number of the schools he has gone into, the children were totally ignorant, not knowing even the name of our Saviour; but it would have been only just if my right hon. Friend had given the accompanying remark of Mr. Ruddock on the subject. The quotation he has given, goes to show the deplorable want of education that exists, and the result of it; but Mr. Ruddock, after referring to the deplorable state of education among these children, added—

> "I do not find that these children are furnished solely by those parishes which are still lacking the means of affording elementary education. All alike, whether possessing very good or inferior schools, equally with those where none exist, send their quota of ignorance to the union workhouse. The most prolific warrens are the outlying portions of large country parishes, and, still more, the suburban quarters of towns."—[*Report on Workhouse Schools*, 1851.]

This remark goes to show that it is not so much the want of schools as the want of getting children to attend those schools that is matter of complaint, and that is a point upon which the Bill of my right hon. Friend would provide no remedy whatever. I hardly know whether my right hon. Friend brought forward Mr. Ruddock's statement as an illustration or as something from which we were to draw an inference. If it was to be used as an induction, then I feel bound to point out to the House the very narrow area which that gentleman's observations embraced. The whole number of children in connection with the workhouses which he had to deal with in one year was 6,750, and therefore the induction is a very narrow one, if it is worth anything at all. If it is an induction, it is too narrow; and if it is an illustration, it is exaggerated. The only other evidence my right hon. Friend adduced to show the bad results of our present system was some well-known extracts, which are almost stereotyped, from the reports of the Preston House of Correction and the gaol of the county of Worcester. I will not say these reports are exaggerated, for they are no doubt true as far as they go, but they are not to be depended on as representing the average state of instruction even among criminals, because they speak of those who are in utter ignorance as one-half of the prisoners in gaol, while the general returns show the proportion to be one-third, and that this number is decreasing; so that here again, if these instances are quoted for induction, they are not sound—they are narrow in amount; and, if quoted as illustrations, they are exaggerated.

Having now gone through nearly all the evidence which my right hon. Friend has brought forward in support of his case—though I am afraid I have troubled the House at too great length—I will now adduce, in opposition to my right hon. Friend's views, the opinions of a nobleman recently published, as to the actual state of our population with respect to this matter. No doubt it is the firm conviction of my right hon. Friend that we are in a worse state than we have been. That being so, he proposes this vast and sweeping alteration, and therefore it is my duty to meet that conviction by the opinion of a person equally eminent and entitled to weight, though not more so than my right hon. Friend. About a week ago, an address was published in the newspapers, on this subject, to the schoolmasters of a certain district of the country, by my Lord Ashburton, and here is his opinion of the state of the people. He says—

> "We know that education has been spreading day by day; the present generation is better instructed, more civilised, more softened in manners, more amenable to just control, than any preceding generation within the period of our known history."

That is Lord Ashburton's deliberate opinion, stated when urging the schoolmasters of a particular district still further to go on with the good work in which they are engaged, and pointing out to them certain modes by which in his judgment they would be better able to reach the hearts of their scholars. The next matter to which I will refer is the great increase of education that has taken place (for we are not stationary in this respect), and I cannot but regard the increase as very remarkable. In 1818 the number of day scholars amounted to one in 17·25; in 1833, to one in 11·27; and in 1851, to one in 8·36. [*Census Report.*] There has also been a remarkable addition to the number of Sunday scholars—an addition the value of which cannot be too highly appreciated as a means of arresting the progress of crime. In 1818, the number of Sunday scholars was one in 24·40; in 1833, one in 9·28; and in 1851, one in 7·45. [*Society's Reports*, 1852, 1853.] This is a remarkable statement, and ought not to be lost sight of in the consideration of this question. I believe that in this country children go to work at an earlier age than in foreign countries with which a comparison as to education has been made, and therefore our Sunday-school education should have greater weight attached to it than is ordinarily the case in making these comparisons. It is, perhaps, not possible to obtain precise information as to the number of children who are day scholars as well as Sunday-scholars; but still it is a vast element in our system, and, in my belief, is producing an enormous amount of benefit, not only by the high morality which it imparts to the scholars, but by bringing in contact with each other the higher and lower ranks of society, knitting them together in the bonds of good-will and mutual esteem, in a manner and to a degree that is not likely to be secured in any other way. Having shown that education has increased and is increasing up to this point, I must observe that we know from the returns of some of the religious societies that its march is not at all likely to be stopped. I have returns from the National Society, showing that there are year by year added schools capable of containing between 20,000 and 30,000 scholars in union with that Society. No doubt the schools in union with this Society form only a portion of the whole number of Church schools, and if the latter are increasing in the same ratio as the schools in union, and if the increase goes on at all in the ratio of the last ten or twelve years, it must soon overtake any deficiency that may now exist; the schools also connected with other religious bodies I have no doubt are also fast increasing, although I have no documents in my possession that so plainly show it; and I believe that the deficiency, such as it is, will be supplied infinitely quicker than by the substitution of any measure like the present.

If this Bill were passed, the instant effect would be to arrest all voluntary effort. It would be stopped at once, and very likely the support now given to education would be withdrawn. Let the House look well at the condition of our population, to the actual state in which we are as compared with former years. My right hon. Friend has not touched upon that subject. He has drawn an invidious, and, as I have endeavoured to show, an unfounded distinction between this country and Austria, but he has not looked at the existing state of our people. It must not be supposed that I think there is no room for improvement. That is not my opinion. But I am ready to show that our population is in a state of steady improvement. If this is the case, and I believe it is, then it ought to form a very large element in the consideration of the question—aye or no—whether we should disturb a system that is producing such good results. There are three subjects on which we have public returns of a kind to enable us to form an opinion on the past and present condition of our population, namely, crime, drunkenness, and bastardy. I look upon the returns affecting drunkenness as showing, perhaps more than any other, the effect of education upon the people, because education is of no use if it does not produce reformation in this respect, and save men from falling into bad and debasing habits. Self-control is especially looked for as the result of education, and there is nothing in which self-control is more called for than to resist the greatest of all temptations to most men at some period of life—that of stimulating drinks. The social glass presents temptations more or less to most people, and perhaps there are few who have not partaken of it more freely than was desirable. It is a temptation that besets all classes, and therefore we have a right to look to it as a test when judging of the effects of education. Some years ago the late Mr. Hume moved for returns upon this subject from towns in England having above 10,000 inhabitants, thus giving a wide area and a large induction. I find that with a population in 1841 of 15,914,000 for the whole country—I give the population for the whole country, but the comparison would be stronger if the population of the towns was given, as the increase is greater in towns than in the country—in 104 towns there were apprehended in 1841, 75,268 persons for drunkenness; and in 1851, with a population of 17,927,000, 70,097, being an increase of 13 per cent in the population, and a decrease of six and a fraction per cent in the amount of drunkenness—in other words, if drunkenness and the population had gone on increasing in the same ratio, we should have had 85,052 persons apprehended in 1851 for drunkenness, whereas the result is a considerable gain on the side of sobriety. I will next take the criminal returns, where a similar result is exhibited. In the last criminal returns, which come down to 1853, the inspector commences his Report by stating that the population has increased 27 per cent in twenty years, while crime has only increased 20 per cent; so that if crime had increased in the same ratio with the population, instead of having 27,057 criminals accused in 1853, we should have had 28,505. Another element in the consideration of this question is the amount of bastardy. In 1845, seven years back, the number of illegitimate children amounted to seven and a small fraction per cent, and in 1852 to six and a large fraction per cent. The decrease is not great, but still it is in the right direction. It is proper also to observe under what circumstances these results have taken place. We have had during this time a great mitigation in the severity of our punishments, the criminal law having been very much relaxed. There has also been a very large increase of police force, so that there is every reason to believe that a greater proportion of crime is detected. We have no record of offences committed—the police may prevent some crime, but they probably detect a larger proportion. Then, with regard to bastardy, there is that in operation to which I beg to call the special attention of the President of the Poor Law Board, as it has a great effect in increasing the amount of bastardy that exists—I mean that unfortunate and unjust state of the law which compels a man to maintain children not his own, if he has married their mother. My right hon. Friend knows that this is a provision under the Poor Law; and I know within my own experience, in my own neighbourhood, many cases in which persons live on in sin, though the woman wants to marry, and the man would not be averse, but who nevertheless do not marry, because the man would have to support any children the woman might have had either by a former husband or by another person. The unhappy woman who has children cannot, in fact, get any man to take her as a wife from that cause alone, and the result is, that the Poor Law produces in this respect as large an amount of wickedness and sin as any other law in the world. There may be economic reasons for such a law, but it operates very unfortunately; it leads to a large amount of sin and wickedness, and is an element to be considered, in viewing the question of bastardy in this country, small in amount as that bastardy is compared with foreign countries, and which but for the state of the law would in my opinion be much less.

Sir, I have now gone over these three points; but there is an important view of this question that I think ought not to be lost sight of. It is not one on which I can give statistical returns, but it immediately concerns the comparison which has been drawn between this and other countries, and is within the knowledge of every one—I mean the effect of our system of education on the people, producing as it does a sense of responsibility, self-government, and social order. I know it may be said that education has nothing to do with this—that it was the nature of our people; what is it that makes the nature of a people but education? Throughout the length and breadth of this land we have never yet set up the Goddess of Reason. In our system of education we have, from the highest to the lowest, laid down the principle that "the fear of the Lord is the beginning of wisdom." That truth has descended to us, and in some shape or other it permeates the whole mass of the people. It is because this truth has been carried out in all our proceedings—though in many cases, perhaps, there has not been added to it much learning—it is because we have carried out this principle in our day as well as in our Sunday schools, I repeat that we principally owe that remarkable self-control, social order, and good conduct in trying circumstances, which distinguish our people in so remarkable a manner. I cannot here help reading a passage from the pen of Mr. Kay, only reminding the House that the opinion of Mr. Kay was published in 1846, and therefore without his having had the advantage of the experience of what has since taken place. Mr. Kay, speaking of Austria, observed—

> "That whatever might be the demands of the middle and higher classes of that country, the poor and working classes had their wants well supplied; that they sighed not for a state of public liberty of which they had no knowledge; that the Government wisely prevented their minds from being inflamed by those blisters to society that roused the same classes of our countrymen into a fever of discontent and disaffection, the effects of which were now visible in Great Britain, and that beneath the extended rule of Austria were to be found some of the best and most contented peasantry in Europe."

But that is not all. He gave also his opinions of our own country, observing, that,

> "While at the General Peace every Protestant State on the Continent set to work to find the means of future advantage, in the development of the moral force of its people, England alone appeared in this respect to have misunderstood the genius of Protestantism; that with the worthiest and most enlightened aristocracy, and the most influential and enterprising middle class, her lower orders were, as a mass, the least instructed, the least civilised, of any other lower class in Europe."

This is followed by tables, from which I have already shown that the population in Austria is more criminal and less educated, so far as numbers, than the population of our own country, which is said to be so much neglected. But if Mr. Kay had happened to write after what took place in the streets of Vienna and Berlin, and in the streets of many of the other towns of Germany, in and after 1848, he might have been led, perhaps, to doubt whether our humbler educational system did not lay down as good a foundation of human duty as that of any foreign country, when he compared what had taken place in those countries with what we have had the happiness to witness in our own. We ought not to overlook this as an element in the consideration of a question like the present. Nor is that all. It is vain to suppose that, amid the various circumstances and trials of human life we shall not, as a nation, fall upon times of ferment; and accordingly we have experienced such times. Our people have also been subjected to the most severe trials and privations. What was their conduct in that state of ferment and under those severe trials? In 1840 and 1841, the masses in the manufacturing districts were exposed to the most dreadful privations and sufferings, and those sufferings and privations were endured with a patience that it was impossible not to admire. In 1842, more prosperous times occurred; and serious disturbances took place. In some districts of the country all authority was relaxed. We do not in this country very much employ bayonets; and even at that period they were hardly required, for, though there was great effervescence among the people, there was hardly anything more. The people were left at that remarkable period almost entirely to themselves, yet there was an almost total absence of anything like violence to persons or property. There was great irritation among large bodies of the working classes, for they conceived that the mode of dealing with their wages had not been just. It might be said that all authority for a time was at an end, and in a great part of Lancashire and Yorkshire there was a general outbreak. I do not mean to say there was no violence, but it was so trifling as to be truly remarkable. Instead of destroying machinery, they contented themselves with taking the plugs out of the steam boilers, and did the least possible injury, having shown throughout the most singular patience under their sufferings, and a remarkable degree of self-control during the outbreak. Then, take another portion of our people—that which composes our army. We have had a portion of that army exposed to very great sufferings—sufferings of a nature that severely try the human mind, and put to the test the power of self-government and the influence of principle more than any other—that of severe sickness combined with severe privations. Yet all has been borne with patience and resignation, and the only feeling expressed has been anxiety to do their duty. I cannot well understand that a system is very bad which has produced such results. It has been condemned by my right hon. Friend, and it has been condemned by Mr. Kay; but I do not think they have shown evidence to bear out their case, while I think they have put in evidence which thoroughly contradicts their assertions. The relation of school education to crime is a subject of great interest; and it is important to trace the connection, if any there be, between them. Heretofore I am convinced the question has been treated in far too general a manner. While engaged in the consideration of the case attempted to be made in favour of this Bill, I stumbled upon some statistics connected with this particular point, which I trust the House will excuse me for now quoting, as I do so merely for the purpose of bringing them under the consideration of hon. Members interested in this question, in order that it may be studied in all its bearings. It appears that in the county of Lancaster, with a population of 2,031,236, the educational percentage was 10·6, and in the county of Middlesex, including, of course, a portion of the metropolis, with a population of 3,632,177, the educational percentage was exactly the same. In the former county, however, the average of crime was one in 586 of the population, while in Middlesex it was only one in 913. This is certainly a remarkable discrepancy. On the other hand, while in North Wales, where the education was 9 per cent, there was only one criminal in 1,202 of the whole population, in South Wales, where the educational percentage was 8·6, the average of crime was one in 903. In Hertfordshire, which is a highly educated county—14 per cent of the whole population being educated—the average of crime was high also, being one in 620. [*Census Report—Criminal Returns*, 1852.] These discrepancies are certainly deserving of the serious consideration of all persons interested in the problem of the connection between crime and education.

Sir, I have been compelled, by the evidence my right hon. Friend has brought forward to endeavour to support the case for a vast national scheme of education, to go so much at length into statistics relating to this and other countries. I regret it. I do not attach very much value to this kind of evidence, but I could not avoid doing as I have done, without leaving an advantage, sure to be used, of asserting that the case could not be met.

Having made these observations, I will now address myself to the provisions of the Bill before the House. My first objection to the Bill is, that, professing to be a permissive Bill, it is not so, and that it will impose new taxes upon the people without their consent. Then I object to the apparent connection between the Bill and the Poor Law machinery. However successful in an economical point of view the Poor Law system of relief may have been, no one will say that it is a popular system with the poor; and I believe that to work this measure with boards constructed like boards of guardians would render it unpopular and distasteful to the poor, and that the larger portion of the poor, who are now contributing of their own means for the purpose of educating their children, will feel that they are branded as paupers—a feeling that cannot but stand in the way of its wholesome operation. My next objection is, that assuming a national school system to be necessary, it is wrong to lay so much of the burden on the real property of the country. My right hon. Friend might say he did not do so; but I will endeavour to show how far this would be the effect of the Bill. The House is no doubt aware that my right hon. Friend proposes to take the power of taxation upon real property to the amount of 2,000,000*l.* annually. My right hon. Friend looks astonished, but sixpence in the pound on the real property of the country would produce over 2,000,000*l.* a year. Then, for every shilling expended from this source, he proposes that an equal amount should be contributed by Government. If 2,000,000*l.* was to be contributed by Government, it must be raised by means of taxes, and, assuming that it was raised by an income tax, at least one-half would come out of real property; so that here was 3,000,000*l.* a year to be paid by the real property of the country. We have complained lately that the real property of the country is overtaxed, and endeavours have been made to throw some of the local burdens upon the general revenue of the country; but my right hon. Friend proposes to lay a new burden upon them, of which I can see no end. Then my right hon. Friend takes the power of borrowing 40,000,000*l.* of money. [*Laughter.*] The right hon. Baronet laughs, probably because he might not think that sum would be necessary; but still we can only deal with the Bill before the House. I believe the whole annual amount would be wanted. This matter has been gone into by educational authorities; and it will be found that the average cost of the education of 3,000,000 children would not be less than 25*s.* a head; so that nearly 4,000,000*l.* would be be expended on these schools. I have no doubt that, in many instances, what is proposed would be utterly inefficient. It would act, as the House will see in a moment, most unequally. For instance, in the rich London parishes, sixpence in the pound would produce more than was wanted; but in country parishes having a small acreage of poor land and a considerable population, sixpence in the pound might be insufficient to provide for education. Thus, in consequence of this anomaly, there might be a great deal more money than was wanted in one place for the purpose contemplated by this Bill, and scarcely any in another. I am obliged to argue this question now as if the assessment were to be parochial, because my right hon. Friend has given notice that he intends to do away with union rating in working this Bill, and I have no hesitation in saying, that what I have just stated would be the effect of this measure in many parishes in the country and in the smaller hamlets separately rated. That my opinion may be somewhat fortified in this matter, I will read a passage from Mr. Horace Mann, quoting Sir John Kay-Shuttleworth, as to expense. This is an important matter, because my right hon. Friend proposes to increase the quality of the education, and that cannot be done without increasing the expense. Mr. H. Mann says—

> "It is not my purpose to form any estimate of the amount of work to be accomplished in order to obtain efficient schools for the 3,015,405 children whom I have supposed to be in a position to attend. Sir John Kay-Shuttleworth computes that to provide an education of the character contemplated by the Minutes of 1846 for 1,836,562 scholars in public schools of religious bodies would require a total annual sum of 2,890,845*l.* (exclusive of the cost of new school buildings), or an increase on the present annual expenditure of 1,844,265*l.*"

So that, if it would cost 2,890,845*l.* to educate 1,836,562 scholars,—to educate 3,000,000 children, at the same rate, would cost upwards of 4,700,000*l.*; and I do not presume my right hon. Friend proposes to give education of an inferior quality; and he himself has assumed a larger number of children to be educated than Mr. Horace Mann. This is altogether exclusive of the cost of new school buildings; so that I doubt if the taxing power proposed to be taken will prove sufficient.

Another objection which I entertain to this Bill—and it is an objection to the principle—is, that I altogether object to a rate of the sort proposed. I believe that it will just bring into existence a second—I was going to say curse, but I will not use that term—but a second evil of the same nature as that for which we have all for so many years been trying to find a remedy, namely, the evil of church rates. It will indeed be unfortunate if we should create another such element of vexation and heart-burning in every parish. Indeed, I believe that this proposed burden will give rise to an aggravated feeling of dissatisfaction in consequence of its being a new burden. Many persons will bear a burden long established by usage who will nevertheless resist as unjust one newly put on. I think I can show to the House that the working of this measure in places where there are to be found persons of different religious persuasions must be to affect the conscience of people at least just as much as the question of church rates does at present; and, if that be the case, the Bill will give rise to the same opposition and heart-burning, and even to more, on account of the newness of the imposition. This is another reason why I object to the principle of the Bill, for what I allude to is not a detail, which could be altered in Committee. I believe, also, that the Bill will be either wholly inoperative—and I am inclined to think that that will be the result—or that it will operate unjustly. We have had some experience to guide us on this subject, and I am glad to see that the right hon. Gentleman (Mr. Baines) is in his place, for he will correct me if I am wrong in what I am about to state. My right hon. Friend (Sir J. Pakington) proposes to constitute throughout the length and breadth of the land bodies analogous to the boards of guardians. Until 1846 we had boards of guardians in existence constituted precisely as these boards of guardians are proposed to be constituted, and they had the charge of the education of a large number of children who were in the workhouses. Now, I would ask, whether, while the guardians had to educate those children, and before the time when the State interfered to pay the expense of their education, the condition of the education in those workhouses was satisfactory. I assert, without fear of contradiction, that it was not. I do not express an opinion whether it is satisfactory now, but I believe that the great reason for giving the grant in 1846 for paying the expense of the workhouse schools was, on account of their unsatisfactory condition, and because the guardians did not provide proper education. If that were so, what security will there be that bodies constituted precisely in the same way will execute the duty imposed on them by this Bill better now than formerly? The number of years is not so great since the change was effected, and I do not fancy that the nature of the people is so very much altered.

I shall now proceed to examine the Bill in reference to its justice. My right hon. Friend has used strong terms in regard to what he thinks the unjust distribution of the public grants under the operation of the Committee of Privy Council; and has observed that, in point of fact, the rich parishes had got all the plums out of the pudding, and the poor parishes had got none. Now, I want to know in what manner the present Bill proposes to remedy that injustice which my right hon. Friend so strongly, and to a certain extent justly, dwelt on. Let it not be supposed, however, that I consider the Government altogether wrong in the principle on which it has administered those grants. The Government has had, among other things, this point to consider—how to distribute the money in the way to do the greatest amount of good; and under these circumstances it may have been considered that by distributing a very large proportion of the money in aid more good had been done than by giving a large grant to a place where no additional sum could be collected. My right hon. Friend complains of this as being a great injustice. No doubt it is an inequality, but whether under the circumstances it was unjust is a matter with respect to which people might differ in opinion. But how does my right hon. Friend propose to remedy the injustice? My right hon. Friend said that Bethnal Green and other places he had referred to had had no share of the funds which they had been taxed to furnish. Well, my right hon. Friend said to these places, "You have had no grant and you have no school, therefore I will not give you any money, but I will give you liberty to tax yourselves." That seems an odd way of curing the injustice, and I should have thought that the best mode of remedying that wrong would have been to give to the Government larger sums to distribute, in order to assist these poorer places. Now, in establishing schools, under the present Bill, in these poor districts, let the House consider how the measure will work. This is an important feature in reference to the justice of the measure. I think I am not wrong in assuming that in these large and poor districts the population is composed of persons of various religious opinions. Probably the large districts alluded to in this City are inhabited by members of the Church of England, by various Protestant Dissenters, by Roman Catholics, and in some neighbourhoods by Jews also. I do not apprehend that in such districts the Church of England people are likely to be found in a majority. Therefore the question will be referred to the Privy Council as to what kind of school should be set up. I do not envy the Privy Council the pleasure of deciding that question. But let us see how the Bill will work, supposing there is a Church of England majority, for that is a possible contingency. My right hon. Friend said he was for religious education, and that he has founded his Bill on that principle. Now, I hope that those persons who are about to be carried away by a mere name, will consider how this matter will work in a place where there is a naked majority of the Church of England. In that case the school committee, without any reference to the Privy Council, would establish a Church school, so called. To that school, then, the children of members of the Church of England, of Protestant Dissenters, of Roman Catholics, and of Jews will of right equally resort, though half the population may consist of the latter classes. But, resorting to the school, as my right hon. Friend says that there shall be no violation of conscience, they will consequently get no religious education; and yet this is called a system by which religious education is to be furnished, and this would appear to be the only mode of extending education in such places.

I will now put the case the other way, though I confess I do not know rightly how my right hon. Friend proposes to deal with the case of a district where the members of the Church of England might be in a minority compared with the whole of the remaining population, and where the larger number of that remainder was composed say of Roman Catholics. I take it, however, that under these circumstances it would be the duty of the Privy Council to establish a Roman Catholic school; and then I should like to know how that school, which is to be equally open also for the children of members of the Church of England, of Protestant Dissenters, and of Jews, can be said to afford religious education to all those various parties, who might together form, with their families, a majority of the whole population of the parish. I can understand the secular system of the hon. Member opposite; but when it is said that the present Bill will afford religious education to the people, I must say that it may be done so in name, but in name only. My right hon. Friend proposes in this Bill to bring existing schools into union, upon certain conditions, and one of the conditions is, that no religious instruction to which parents object, should be given in the schools so admitted into union. Yet it is said that this Bill is to provide education, and religious education, to those who cannot now get it. I wish to know how any Roman Catholic or Protestant Dissenter, sending his child to a Church of England school, in union, can procure there religious instruction for that child? Do you think that any one living in a parish where a school under this Bill is set up, wishing as most persons do a religious education for their children, and being taxed for an establishment from which their children derived no benefit of that sort, will pay the tax with pleasure? I repeat that, in my opinion, this will be just as great a source of heartburning as the church-rate now is. Take the above case of a Roman Catholic school being set up, supported by this common rate, in such a contingency is the feeling of the country such as to lead us to suppose that the rate will be pleasantly paid under such circumstances? I think not; and therefore, while the Bill must fail to give religious instruction, it will at the same time create a cause of great irritation and heartburning in this country. Every one will admit that many of the towns in the kingdom, having 4,000 or 5,000 or more inhabitants, enjoy the benefit at present of two schools, one being a national school for children belonging to the Church of England, the other a school of the British and Foreign Society for the children not belonging to the Church of England. How would the Bill work in such a case? The British school has no distinctive religious teaching, and the Church of England school has, and cannot depart from it, in most cases, without a breach of faith. The Bill proposes, if the Church of England school desire to take the benefit of the rate, to give power to the school committee to send into that school any child, at the wish of the parents, and to compel the authorities of the school to receive the child, and at the same time give to him no religious education. Such a provision would most unjustly place the managers of the school in a painful dilemma. They must either violate their consciences by giving up the principle of the teaching in the Church of England schools, or they must consent to be taxed without deriving any benefit from the impost. That is essentially unjust, and I conceive it to be a principle of this Bill, and I do not see how it can possibly be amended.

Moreover, I believe that it is utterly impossible for rate-supported schools and voluntary schools to coexist. On this point I will read the opinion of Sir John Kay-Shuttleworth, a man most capable of forming a judgment with respect to it (1853)—

"It would be difficult to conceive that any man of Parliamentary experience could gravely propose that local municipal boards should be invested with power to establish rate-supported schools in every parish, with whatever constitution, to the inevitable destruction of the schools of religious communions."

I do not mean to say what that statement is worth; but Sir John Kay-Shuttleworth is considered a great authority on this matter, and as that gentleman has made statements with respect to the expenditure required for a certain object, and with respect to the destruction of the schools of religious communions, it is right and fair to make use of them. In America, also, I have understood that the rate-supported schools have nearly extinguished the private schools. Therefore I conceive that one of the first effects of the Bill will be to knock down all existing schools, by drying up the sources of their income. Let the House consider how this will bear upon the small schools in the rural districts, where from twenty to thirty or forty boys and girls receive instruction. Under a great national system, such as the one proposed, these small schools would be swept away, and the new district schools will probably be so inconveniently situated that the children cannot go to them on account of the distance from their homes. Thus a much larger number of children will be left uneducated than at the present moment. My right hon. Friend has assumed that the Church schools, a great number of which are in connection more or less with religious societies, will accept the terms the Bill offers to go into union. In that respect my right hon. Friend is, no doubt, wholly in error; and so strongly does my right hon. Friend appear to feel this difficulty, that he has thought it necessary to introduce a most extraordinary clause into this Bill, which professes to have for its object to increase religion, and consequently morality, among the people. The clause to which I allude is one providing that persons committing breaches of trust shall not be amenable to the Court of Chancery for such conduct. That shows that the persons who framed the Bill found an obstacle in the way of their plan as to Church schools which they thus desired to remove. They tempt the managers of schools to join them by the offer of a large sum of money, and they say to them that, if their consciences were at all tender and shocked at committing a breach of the solemn engagements under which their schools were founded, they should at all events be relieved from all legal consequences by the effect of the clause I have referred to. I confess that it appears to me a very odd mode of increasing the morality of the people to propose a provision to enable persons to commit with impunity an immoral act. With regard to religious instruction, my right hon. Friend said he would introduce a clause, if the House thought fit, to secure the reading of the Bible; but I cannot relieve myself from the apprehension that the Bill is not framed to secure religious teaching, for it only says on that point that nothing must be taught to which any one objects. The provisions of the Bill are wholly negative. The Bill of my right hon. Friend wholly ignores the existence of the clergy, and in respect to the additional school accommodation which the Bill takes power to give, it does not follow the ordinary divisions of our country, namely, those of parishes; for the word parish was not found in the Bill, except where a parish formed a union itself. The additional schools proposed by the Bill are to be in districts. There is a reason, I fear, for that, not in my right hon. Friend's mind, but in the minds of the framers of the Bill. By taking a district, they sever the connection of the child with the minister of the parish; and no one particular minister of religion would have a superintendence or control in respect to the school. This may be an inadvertence, but I am obliged to deal with the Bill as I find it. I may be told that that could be amended in Committee, but I name it as showing how the Bill was expected to be worked. My right hon. Friend does not appear, in considering this subject, to have adverted sufficiently to a very important point—the power of extending evening schools. It is proposed only to aid evening schools if there shall be a surplus revenue; so, at least, I understand the Bill. In the rural districts, the system of evening schools has secured the best results. In the agricultural districts, the children who go to work in the daytime have, during the long dark nights of winter, every opportunity afforded them of obtaining instruction in the evening schools. I know from my own experience that the young lads anxiously avail themselves of the advantage of these schools, and the parents express their gratitude for the means thus afforded for the instruction of their children. Thus the danger of the children wholly forgetting the instruction they have previously acquired—and this is a great evil to be guarded against—is to a considerable extent obviated. That I believe to be one of the most effectual means, with our Sunday schools, of meeting this difficulty.

My right hon. Friend has touched incidentally upon the subject of training masters, and here I agree with him that we have probably fallen into the error of attempting to train our masters too highly all at once. That has been a capital mistake, in consequence of which the large sums spent on their education have not been so beneficial as they might have been. I do not despair of attaining ultimately a high pitch of training and teaching, but I am afraid that, hitherto, we have attempted to get at it by too sudden a jump. In dealing with this subject, it must not be forgotten that the children to be educated are, generally speaking, the offspring of parents who have had little, if any, education, and it would be a dangerous experiment to attempt suddenly to raise children to a great elevation above their parents in this respect. If this were done by means of young men highly educated, who would not attempt to get at the hearts of their scholars, but whose main object would be to impart secular knowledge, without at the same time securing that sound religious basis which is to give the scholars their future springs of action, there would be great risk of the children being brought to look down upon their parents, and the result of such a state of things upon the morals and conduct of the nation would be far too disastrous to be compensated by the attainment of a little higher quality of school learning. This point is deserving of the most serious consideration. At present, I am informed that some of the highly trained schoolmasters who have been sent into the agricultural districts, complain that, owing to the early age at which their scholars are taken from them, they have no opportunity of bringing into play those branches of learning which they themselves have acquired at the cost of so much time and labour,—in fact, that they are actually rusting for want of employment. Thus they become dissatisfied, and dissatisfied people never can get that hold of the minds and hearts of the children they have to instruct, by which alone a schoolmaster can expect to secure a successful and lasting result to his labours. I am not altogether without hope that, considering the progress we have made and are now making, we may soon overtake and completely satisfy the educational requirements of the age. I hope, too, that the greater number of training schools now established throughout the country will imperceptibly improve the quality of the education. [Mr. CAYLEY reminded the right hon. Gentleman that he had not fulfilled his promise of commenting on the compulsory character of the Bill.] I am glad my hon. Friend has reminded me of my omission. The Bill, as I understand it, is to be worked by union machinery, each parish electing a guardian. I shall not be far wrong in saying, that there would be, on an average, from twenty to forty guardians in each union, besides a number of official guardians, not spread over the whole union, but coming all, perhaps, from one particular locality. Now, these guardians are not to tax themselves as a body, but each particular parish in the union, where they shall think education deficient; and thus any parish may have the Bill forced upon it by the board, having itself only an infinitesimal voice —the fortieth part of the whole—in the matter. It is in this way that I think the Bill may be described as being compulsory.

Before I conclude, I will, with the permission of the House, read a passage from a Report on Workhouse Schools, by Mr. Browne, which entirely expresses my opinion on the question of education:—

> "In the education, necessarily elementary, of those who have to earn their bread by the labour of their hands, there is some danger that the moral training may give place to the merely useful, that more attention may be paid to that kind of knowledge which is directly convertible into money than to that which fits the individual to do his duty as a man in the future struggle, and, as we hope, the victory of life."

I believe the Bill of my right hon. Friend to be dangerous in this particular respect. I implore the House to consider what they are now asked to do. In the matter of education, of course, it is impossible to know the effect of a particular measure until eight, ten, twelve, or even fourteen or more years after; and a false step, therefore, must be of very serious importance. Persons of my age cannot expect to see much of the results of any new experiment, but those who come after may find, from the results, to their dismay, that, instead of having had an educational system based on sound religious principles, —such as that which has raised the character of the people of this country so high, we have delivered to them a system which, like that of America, though intended to be religious, has become secular. I beg the House seriously to reflect before incurring such a risk. I beg them seriously to reflect before giving their sanction to any system not based on sound religious teaching, and which does not by that means inculcate the great truth, that all our powers, all our energies, and all our talents are given us to be used for the benefit of our fellow-creatures, and to enable us to perform faithfully those duties which God has imposed on us. Such an education is more likely than any other to promote secular knowledge among the people, because it would teach the child the duty founded on the highest obligation to make use of every opportunity of exercising every faculty and improving every talent entrusted to him, and for which he would have to render an account. But if, on the contrary, secular teaching should be made the first or only object of education, or we should be unwise enough to adopt a system, religious in name alone, but sure ere long to become purely secular, we should be venturing on an experiment which has failed wherever it has been tried, and we should be going contrary to the direct command of God, who has pointed out to us in the clearest manner, from Genesis to Revelation, that "Life is not to be obtained through the tree of knowledge."

Mr. ROBERT PHILLIMORE said, he rose to second the Amendment of his right hon. Friend who had just sat down. But that, after the admirable and elaborate speech which the House had just heard, he should content himself with a very few observations. He gave the right hon. Member for Droitwich the fullest credit for having been actuated by the purest and highest motives in bringing forward this measure. It appeared, however, to him that the measure before the House was fraught with all the evils so eloquently described by his right hon. Friend the Member for Oxfordshire (Mr. Henley), and he could not see how the doctrine of the Church and the teaching of her schools was to be separated, or how the religious education was to be kept apart from the secular. The experiment had been tried in America, and had failed signally, and he trusted that warning would be taken from the result of that experiment. Now in America there was no national Church, but this measure proposed to dethrone the Church of England from her office of teacher of this nation. He objected also to the whole machinery of this Bill. He objected also to the mode in which the Bill proposed to select the persons who were to discharge the office of instructors. It appeared to him that the Bill provided no other qualification for the choosers of schoolmasters than that of their being ratepayers. There was no function more sacred or more important, and it was not to be disposed of in the same way that a guardian or a constable was chosen. He must also object to the mode in which the election was to be conducted by means of a poll, with an appeal to the Privy Council on certain disputed points. He was one who would promote really sound education to the utmost of his power, but he must take the liberty of opposing the modes now proposed, for he was satisfied that they would not promote either good secular or sound religious education, but a result somewhere described by Lord Burleigh in one of his letters as a "mingle-mangle." It would almost infallibly generate a scepticism on religious matters, which he was sure the right hon. Baronet the Member for Droitwich (Sir J. Pakington) would be the first to oppose and to condemn. Let the House remember the opinion of an authority second perhaps to none upon questions of this description, of one of the greatest luminaries of his age and country, Lord Bacon. In his masterpiece, *On the Advancement of Learning* he had quoted the saying—

> "Ingenuas didicesse fideliter artes
> Emollit mores nec sinit, esse feros."

But he immediately added this pregnant warning "mind you lay the accent on *fideliter*." He (Mr. Phillimore) opposed this Bill because it did not lay the accent on *fideliter*. It pretended, indeed, to unite religious and secular teaching, but the union was a wretched concubinage, not an honest marriage, and the offspring would be spurious.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. MILES said, it was with great diffidence that he ventured to express an objection to the able and argumentative speech of his right hon. Friend the Member for Oxfordshire (Mr. Henley). He regretted that his right hon. Friend had thought it necessary to set himself so decidedly in opposition to the principle of the Bill, more especially as he believed that the deductions which his right hon. Friend had drawn were essentially fallacious. No power on earth could have induced him to support the Bill had he not been of opinion that it was based on a religious principle. It was certainly to be lamented that a private Member should have to undertake the responsibility of bringing in a Bill of this description, but it had been forced upon his right hon. Friend (Sir J. Pakington) by the delay of the Government, and that some Bill on the subject was asked for by public opinion was pretty evident, he thought, from the fact that the House had now three Bills—the Government, the Opposition, and the secular Bills—before them. Notwithstanding the great accession made to the educational means of the country by the denominational system, the question to be considered was whether the present means of education furnished by voluntary efforts were sufficient for the educational requirements of the country? If they were, the necessity for any Bill on the subject was entirely done away with; but if they were not, then that House was bound seriously to consider in what manner the additional facilities required could be supplied without trenching on existing schools. This was exactly the principle on which the Bill of his right hon. Friend proceeded. On looking at the state of education in different parts of the country, and on comparing it with the state of education abroad, no one could doubt, he thought, for a moment that something was required to promote the extension of education among our own people, and that the whole subject was deserving of the serious consideration of the House. To begin with foreign countries—in Prussia, Saxony, Switzerland, Baden, Wurtemberg, and Denmark one in six of the population were under education; in Sweden and Norway, in three provinces of Holland, and five departments of France, one in six and a half were under education; in Bavaria, one in seven, in Austria, one in nine, and, in Belgium, one in ten. In most of the northern states of the United States the proportion was one in six, in the rest, one in seven; while, with regard to the southern states, it was one in eight in Maryland, one in eight and a half in Virginia, one in nine in Delaware, and one in ten in North Carolina. Coming home to our own country, it would be found that the want of educational facilities was not so great in the agricultural as in the manufacturing districts. In what was called the York district the proportion of the population under education was one in six and a half, while in the manufacturing district it was one in eleven and a half. In ten of our largest manufacturing towns, containing a population of 913,217 persons, the proportion was one in eleven and three-quarters, while in ten other smaller towns, it was one in 6·95. How, then, was the existing deficiency to be supplied? There were two modes of doing this—the one by an education rate, and the other by a rate combined with grants from the Privy Council; and this Bill adopted, and wisely so, he considered, the latter alternative. With respect to the deficiency of education, he would refer to the evidence of the Inspectors of Schools, particularly as regarded the western districts. Mr. Kennedy reported—

> "It is almost impossible to speak too strongly of the insufficiency of the majority of those schools. The school-rooms themselves are, for the most part, tolerably good, though possibly larger than is necessary for the daily scholars. But, generally speaking, the teachers, books, apparatus, and income of the school—the root of all the evil—is very insufficient."

Mr. Tinling, inspector of schools in Dorsetshire, Somersetshire, Devonshire, and Cornwall, stated—

> "An acquaintance by personal inspection with the smaller schools convinces me that some additional public assistance is required to raise in them the standard of education, if the teaching of the great mass of the population is ever to be effected."

Having always supported a system of education based on religion, he felt that the right hon. Member for Oxfordshire had been rather unjust toward those who had always supported such a system, when he said that if they adopted this Bill they must look to see secular schools established in which there would be no religious teaching. Again, what was the evidence adduced before the Committee on Education in Manchester and Salford? It was decisive as to the necessity of providing some other funds besides those obtained by voluntary subscription for educational purposes. The different religious bodies in Manchester appeared to be in the habit of making fitful and spasmodic efforts in the work of education, exerting themselves actively when any Government scheme inconsistent with their own views was mooted, but afterwards relapsing into comparative apathy when the measure they apprehended was abandoned. The Dean of Manchester in his evidence stated that the falling off in the subscriptions and donations to the Manchester Education Society was as follows:—

	Subscriptions.	Donations.
In 1844	—	£4,389
1845	£860	1,156
1846	837	574
1847	714	54
1848	665	36
1849	423	125
1850	305	131
1851	201	—

The number of schools assisted was forty-five out of ninety-seven, and how, he would ask, was it posible to afford any adequate assistance to forty-five schools with only an income of 210*l.* The Rev. Mr. M'Kerrow stated that he considered the voluntary system to be inadequate to meet the educational necessities of the community, and that the efforts made by voluntaryism in Manchester and Salford had in a great measure been abortive. He further gave the following evidence—

> "The two societies connected with this part are the Congregational Board of Education and the Voluntary School Association. It seems to be necessary to have every now and then some party agitation, or kind of public excitement, like that produced by the Factory Bill, or the minutes in Council, to stimulate voluntaryism into some kind of spasmodic action. The Congregational Board of Education, at its annual meeting in May, 1846, reported that the sums ascertained to have been actually paid or pledged, and in the course of payment, by Congregationalists, towards day schools since 1843, amounted to 109,286*l.*, or above 25,000*l.* a year. But small indeed have been the sums contributed since the excitement to opposition to Government measures has passed away, and I very much fear that, if the prospect of the introduction of a national measure of education, demanded so extensively by the people, were to be removed, the voluntary effort which has again been somewhat stimulated would be still further diminished. From the balance sheet of the Congregational Board of Education, presented on the 10th of May, 1850, we learn that the gross receipts of the Board for the year preceding amounted to 1734*l.* 14*s.* 10*d.*, and its disbursements to 1441*l.* 15*s.* 7*d.*"

The Congregationalist body in Manchester made similarly fluctuating and inadequate efforts to promote education, and one of the witnesses stated that it was necessary periodically to get up the excitement of opposition to some threatened State educational measure in order to stimulate voluntary subscriptions among them. The Rev. John Kershaw, a Roman Catholic clergyman in Manchester, also stated that the voluntary system had hitherto proved inadequate for the education of the poor children of his denomination, who were often left to grow up in ignorance; and that gentleman estimated the number in Manchester that required instruction at 18,000, though at the present time there was only school accommodation for 4,000. Such was the evidence adduced before the Manchester and Salford Committee by witnesses belonging to different denominations with respect to the voluntary system, and however much the Members of that Committee differed, and they did differ with respect to the means of education which ought to be employed, every one of them, he believed, with the single exception of Mr. Peto, left the Committee room with the conviction that voluntary efforts had proved inefficient, and that it was necessary to come upon Government with a call for further funds for the promotion of education throughout England. The great cry of all the inspectors, and the burden of all the evidence taken, agreed in saying that the great deficiency was in the funds, and that the voluntary system had failed in supplying that deficiency. He would ask hon. Members whether the denominational bodies in the poorer districts, having prepared and got ready their schools, would not be willing to put them under the Bill of the right hon. Baronet, and the consequence would be that they would each have their own denominational teaching with perfect liberty of conscience; that was to say, if any father, mother, or guardian objected to the doctrines taught in any school, their children would have a right to be absent during the time of that teaching. Without that liberty he felt convinced that they could never form a system of national education which would meet with the concurrence of the people of England. The Bill proposed to make the Bible the essential basis of the education given in the schools, and, with that as the foundation of all their teaching in morals and religion, no doubt the existing machinery would be gradually brought within the scope of the measure; and the House might therefore safely dismiss all those fears about its necessarily leading to an unmixed secular system which the right hon. Member for Oxfordshire had conjured up. That right hon. Gentleman took the total number of children now at school, and, adding 970,000 more, to get one-sixth of the whole population, he made an aggregate of 3,000,000 scholars, whose education, he said, would impose a charge of 3,000,000*l.* per annum on the real property of the country. Now, if no private individual would henceforward subscribe a farthing towards the cause of education, and if the National Society, and all the other religious bodies, immediately retired from the field on the passing of this Bill, the right hon. Gentleman's apprehensions and calculations might be well-founded; but it was clear that the Church societies would not suspend their labours; they would still desire to have a school in every parish, and the clergy, who in the poorer districts were now often called upon to contribute more than their means would allow, would gladly hail the assistance they would receive under this Bill, whether in the shape of a rate or a grant. The right hon. Gentleman's notion, that the Bill would entail an annual burden of 3,000,000*l.* on real property, was therefore a mere fantasy. Allusion had been made to the reading of the Bible in the public schools of the United States of America, but it should be borne in mind that the United States' schools were not, and never had been, denominational, whereas ours always had possessed that character. In America, the Bible was used in schools sometimes to inculcate doctrines, sometimes to teach morals, and at other times merely for reading lessons, or for its sacred history and geography; but in this country the circumstance that the schools were denominational afforded a guarantee that the education they gave would be religious. The right hon. Gentleman the Member for Oxfordshire talked of a debtor and creditor account in relation to this question, but did he forget that crime cost the country 2,000,000*l.* annually, and pauperism another 5,000,000*l.*, or that the result of a better system of education, in checking both of those evils and reducing their expense, must form a very considerable "set off" against the debit side of the account? The religious difficulty incident to all such legislation was, no doubt, great, but it ought to be fairly grappled with; and the country was now ripe for the settlement of this question. There were, at the present time, three Bills before the House relating to it, and it was to be hoped they would all be read a second time and referred to a Committee up-stairs, in order that by some possible amalgamation of their most useful provisions a comprehensive measure might be framed that was likely to become law. In conclusion, he begged to repeat what he had formerly stated, that he never could support any system of national education that was not founded on a religious basis; and such he believed also to be the strong feeling of the country.

Mr. DILLWYN said, he believed that if a general system of education could be devised, which was not based upon sectarian principles, it would tend very much to improve the condition of the people. He believed that the great majority of the moneyed classes in that part of the country with which he was connected (South Wales) belonged to the Church of England, and supported the Church schools; but the education given in those schools was not acceptable to the population generally. He could not vote in favour of this Bill, because in his district it would have the effect of converting all those parishes where religious parties were nearly balanced into arenas of political strife; while, on the other hand, it would leave large numbers of children, whether connected with the Church or with the Dissenters, without any education whatever. Indeed, this was to a great extent the case in South Wales at present, not from any indifference to the cause of education on the part of the population, but solely on account of their religious distinctions.

Mr. BYNG said, he should support the Bill in no spirit of opposition to the masterly argument of the right hon. Member for Oxfordshire, but because he entertained a sincere conviction that it would go far towards promoting the cause of education. It was based upon the principle of imposing local taxation for local educational purposes, and since it placed the management of the schools in the hands of the ratepayers and the local authorities, it also recognised the salutary principle of local self-government. He would candidly admit, that the progress of education owed much to voluntary efforts; but while he granted that any compulsory system in England would be at once dangerous and hostile to the feelings of the great body of the community, he yet could not concede that State interference in the matter of education was either impolitic or uncalled for. The State made laws for punishing crime, and surely it was not beyond its province to vote money for preventing it. The State was bound to govern the people, and it should also be bound to educate them as far as it could. Let him take that opportunity of saying one word as to the nature of the education provided by this Bill. With regard, then, to the secular portion of it, he did not think any exception could be taken to it, while he thought the clause which rendered it optional for a child to attend the religious teachings of the schools had been framed in a liberal and enlightened spirit. He should rejoice much if a system could be devised so as to unite all religious denominations, and at the same time combine religious with secular education; but, in the absence of such a scheme, it would not only be a waste of time, but excluding very many children from the benefit of secular education, to attempt to enforce any one particular creed. Besides, he could not help feeling that a parent who allowed his child to be educated in secular matters would not be unmindful of the advantages of religious instruction, and therefore, although it might not be obtained in the schools, it would be sought for elsewhere. The clause, then, to which he was more especially adverting, could be safely adopted without in any way proving detrimental to religion; and he should vote for it all the more readily because it recognised the great, the generous principle, of freedom of conscience in religious matters. He could have wished, however, that the Bill had gone a step further, and provided some means of education for adults, for it was just possible that the instruction obtained in early life might be forgotten as the child grew up into manhood; but perhaps the present was not the proper time for discussing that point, and he would not pursue it further. With the exception of some of the details, which he should object to in Committee, he generally approved of the scope and tendency of the Bill, which he believed would prove to be the first important step towards supplying those wants and omissions which were daily becoming more recognised in our system of public education.

Mr. ADDERLEY said, that as there were several Ministers unavoidably absent, who he knew were anxious to give their opinions upon the Bill, he should move that the debate be now adjourned.

Sir JOHN PAKINGTON said, that, in the necessary absence of Her Majesty's Ministers at a Cabinet Council, he quite concurred in the opinion that it was advisable the debate should be adjourned. He was anxious, however—considering the deep interest which had been manifested with reference to the settlement of the great question of national education both by that House and the country—that the discussion in which they were engaged should not be adjourned to a more distant day than was absolutely necessary. It was extremely difficult for an independent Member to fix any day for resuming the discussion, but the course which he thought it would be most convenient to adopt was to adjourn the debate until to-morrow; meantime he might be enabled to make such arrangements with the Government as would place it in his power to name an early day for proceeding with the discussion. He must also be permitted to observe, that, while he was perfectly ready to admit the fairness of the tone and spirit of the very able speech of his right hon. Friend the Member for Oxfordshire (Mr. Henley), and that it was to him most painful to differ from his right hon. Friend upon any question of great national interest, he should be prepared, when the debate was resumed, to make to the objections which had been urged by his right hon. Friend against the Bill, what he believed would be a satisfactory and conclusive reply.

Mr. COWPER said, that, his noble Friend the Secretary for the Colonies had remained in the House during a considerable part of the debate, and that, having come to the conclusion that it could not terminate before six o'clock, he had had less hesitation in absenting himself than would otherwise have been the case. To-morrow arrangements might be made for fixing a day for the renewal of the discussion.

Debate *adjourned* till *To-morrow.*

SPIRITS (IRELAND) ACT AMENDMENT BILL.

Order for Second Reading read.

Mr. KEOGH said, that, with a view of meeting the objections of several hon. Members, he proposed, when the Bill was committed, to introduce into it certain clauses giving power to appeal under its operation from the decision of the magistrates to that of the assistant barristers.

Viscount BERNARD said, that many magistrates of Ireland had urged to him to protest most strongly against the passing of the Bill now before the House, and he must express a hope that Her Majesty's Government, in introducing the proposed Amendments, would in no way interfere with the practical working of the measure of last year, which had done incalculable good in the way of diminishing drunkenness.

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The House adjourned at a quarter before Six o'clock.

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